

2007 ASSEMBLY BILL 309

May 8, 2007 – Introduced by Representatives ALBERS, F. LASEE, HAHN and PRIDEMORE, cosponsored by Senator PLALE. Referred to Committee on Children and Family Law.

1 **AN ACT to amend** 767.405 (14) (b) of the statutes; **relating to:** offering and
2 admitting custody studies in accordance with the rules of evidence.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce, if there is a minor child and the parties do not agree on legal custody or physical placement, the parties must be referred to mediation to attempt to resolve the contested issues. The court may order a person or entity designated by the county to conduct a legal custody or physical placement study to investigate such issues as the conditions of the child's home, the parties' performance of parental duties, and whether either party has engaged in domestic abuse. The report that results from the study is submitted to the court, with copies to the parties, and made a part of the record of the action unless the court orders otherwise. This bill requires that, if the report is to be made a part of the record, it be offered and received in accordance with the rules of evidence. Consequently, the parties would have the opportunity to question the person who conducted the study and made the report with respect to any statements, conclusions, or recommendations that the person includes in the report.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 767.405 (14) (b) of the statutes is amended to read:

