2007 ASSEMBLY BILL 622

December 11, 2007 – Introduced by Representatives Kestell, LeMahieu, Sheridan, Vos, Bies, Petrowski, Albers, Suder, Pridemore and Gunderson, cosponsored by Senator Cowles. Referred to Committee on Children and Family Law.

- 1 AN ACT to amend 767.281 (1); and to create 767.281 (5) of the statutes; relating
- 2 **to:** substitution of judges of divorce actions.

Analysis by the Legislative Reference Bureau

Current law generally allows a party to a civil action to file one request for substitution of a new judge for the judge assigned to the case. This bill permits a party that has been granted a divorce to file, in a subsequent proceeding related to the divorce, one request for substitution of a new judge for the judge that granted the divorce.

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

- **SECTION 1.** 767.281 (1) of the statutes is amended to read:
- 4 767.281 (1) APPLICABILITY. This section applies Subsections (1m) to (4) apply
- to all enforcement or modification petitions, motions, or orders to show cause filed
- for actions affecting the family under s. 767.001 (1) (i).
- **SECTION 2.** 767.281 (5) of the statutes is created to read:

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767.2	81 (5	5)	Substitution	N OF	JUDGE	IN	SUBSEQUENT	PROCEEDIN	NG. (a)
Notwithsta	nding	g s. 8	801.58 (1) an	d (3),	in any	acti	on affecting t	the family	under s.
767.001 (1) (i) or (k), a party may request a substitution of judge. The party that files									
the petition, motion, or order to show cause commencing the action shall file request									
for substitu	ıtion :	alon	g with the pe	titior	n, motio	n, or	order to show	v cause.	

- (b) If the respondent wishes to file a request for substitution of a judge under this subsection, the respondent shall do so within 30 days after service of the petition, motion, or order to show cause.
- (c) No party may file more than one request for substitution in any one action affecting the family under s. 767.001 (1) (i) or (k).

SECTION 3. Initial applicability.

(1) This act first applies to actions or proceedings, including actions or proceedings to enforce or modify a judgment or order previously granted, that are commenced on the effective date of this subsection.

15 (END)