

**2007 DRAFTING REQUEST**

**Bill**

Received: 12/20/2007

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Lena Taylor (608) 266-5810

By/Representing: Eric Peterson

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - cust./plac./vis.

Extra Copies:

Submit via email: YES

Requester's email: Sen.Taylor@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Parenting plans

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 12/20/2007	jdye 01/02/2008		_____			
/1			pgreensl 01/03/2008	_____	cduerst 01/03/2008	sbasford 01/09/2008	

FE Sent For:

<END>

NO

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/?	pkahler	1 1/2 jld	1/3 ps	1/3 ps			

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Peterson, Eric  
**Sent:** Thursday, December 20, 2007 3:13 PM  
**To:** Kahler, Pam  
**Subject:** Drafting

Pam,

Please draft LRB 3491/1 as a draft for Senator Taylor. It is a JLC bill that will be introduced in the Assembly, and Senator Taylor would like the Senate Companion, given the shortness of available floorperiods.

Eric

***Eric M. Peterson***  
Office of Senator Lena C. Taylor  
608-266-5810

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: PJK) (Date: 12/20/07)



Please transfer the drafting file for

2005 LRB \_\_\_\_\_ to the drafting file

for 2007 LRB \_\_\_\_\_

The final version of the 2005 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2005 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

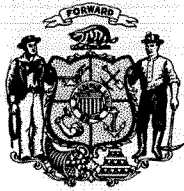
Please copy the drafting file for

2007 LRB 3491 / all (include the version) and place it in the

drafting file for 2007 LRB 3711

For research purposes, because the original 2007 draft was incorporated into another 2007 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin  
2007 - 2008 LEGISLATURE

3711/1  
LRB-3491/1  
PJK/kjf/mwn

LPS - please  
check auto refs  
2007 BILL

stays

SOON  
(12-20)

SA  
x-ref

Regen

1 AN ACT *to amend* 767.215 (2m) (b), 767.405 (8) (c) and 767.41 (1m) (intro.); and  
2 *to create* 767.215 (1) (c) and 767.215 (2m) (a) 3. of the statutes; **relating to:**  
3 parenting plans in actions affecting the family.

**Analysis by the Legislative Reference Bureau**

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Under current law, in an action affecting the family, such as a divorce or action to determine paternity, in which legal custody or physical placement is contested, a parent seeking sole or joint legal custody or periods of physical placement must file a parenting plan with the court before any pretrial conference. In general, a parent who does not file a parenting plan before the pretrial conference waives the right to object to the other party's parenting plan. A parenting plan must provide information relating to issues such as the legal custody or physical placement the parent is seeking; where the parent lives and intends to live; the parent's hours of employment; the plan for where the child will attend school; child care arrangements; decision-making relating to the child; and any proposed child support or maintenance.

Also, under current law, in an action affecting the family in which it appears that legal custody is contested, the court must refer the parties to the director of family court services for possible mediation.

**BILL**

This bill requires the clerk of court to provide parties that have a minor child with a copy of the statute relating to parenting plans when they file a petition or receive a summons for an action affecting the family. The bill also provides that a mediator must review the nonfinancial provisions of the parenting plan at the initial session of mediation.

The bill requires parties to file a parenting plan with the court within 60 days after the court waives the requirement that the parties attend mediation or within 60 days after the mediator notifies the court that the parties have not reached an agreement, unless the court orders otherwise.

1           **SECTION 1.** 767.215 (1) (c) of the statutes is created to read:

2           767.215 (1) (c) The clerk of court shall provide, without charge, a copy of s.  
3           767.41 (1m) to each person filing a petition showing that the parties have a minor  
4           child.

5           **SECTION 2.** 767.215 (2m) (a) 3. of the statutes is created to read:

6           767.215 (2m) (a) 3. Shall be accompanied by a copy of s. 767.41 (1m), provided  
7           without charge by the clerk of court.

*a.s.*  
NOTE: SECTIONS 1 and 2 require the clerk of court to provide a copy of the statute relating to parenting plans to each person who files a petition or receives a summons initiating an action affecting the family if the petition shows that the parties have a minor child.

8           **SECTION 3.** 767.215 (2m) (b) of the statutes is amended to read:

9           767.215 (2m) (b) If service is by publication, notification regarding s. 948.31  
10          may consist of references to the statute numbers and titles, and information relating  
11          to the percentage standard and the factors and completing and filing parenting plans  
12          need not be provided.

*a.s.*  
NOTE: SECTION 3 provides that if service of the summons is by publication the statute relating to parenting plans does not have to be included in the publication.

13          **SECTION 4.** 767.405 (8) (c) of the statutes is amended to read:

14          767.405 (8) (c) The initial session under par. (a) shall be a screening and  
15          evaluation mediation session to determine whether mediation is appropriate and  
16          whether both parties wish to continue in mediation. At the initial session, the

**BILL**

1 mediator shall review with the parties the nonfinancial provisions that must be  
2 included in the parenting plan under s. 767.41 (1m).

NOTE: SECTION 4 <sup>← a.r.</sup> requires the mediator to review with the parties at the initial session of mediation the nonfinancial provisions that must be included in the parenting plan.

3 **SECTION 5.** 767.41 (1m) (intro.) of the statutes is amended to read:

4 767.41 (1m) PARENTING PLAN. (intro.) ~~In~~ Unless the court orders otherwise, in  
5 an action for annulment, divorce, or legal separation, an action to determine  
6 paternity, or an action under s. 767.001 (1) (e), 767.501, or 767.805 (3), in which legal  
7 custody or physical placement is contested, a party seeking sole or joint legal custody  
8 or periods of physical placement shall file a parenting plan with the court before any  
9 pretrial conference if the court waives the requirement to attend mediation under s.  
10 767.405 (8) (b) or if the parties attend mediation and the mediator notifies the court  
11 under s. 767.405 (12) (b) that the parties have not reached an agreement. Unless the  
12 court orders otherwise, the parenting plan shall be filed within 60 days after the  
13 court waives the mediation requirement or the mediator notifies the court that no  
14 agreement has been reached. Except for cause shown, a party required to file a  
15 parenting plan under this subsection who does not timely file a parenting plan  
16 waives the right to object to the other party's parenting plan. A parenting plan shall  
17 provide information about the following questions:

NOTE: SECTION 5 <sup>← a.r.</sup> requires parties to file a parenting plan within 60 days after the court waives the requirement to attend mediation or within 60 days after the mediator notifies the court that the parties have not reached an agreement, unless the court orders otherwise. Under current law, the parenting plan must be filed before any pretrial conference.

18 **SECTION 6. Initial applicability.**



**BILL**

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

NOTE: SECTION 6 <sup>← a.r.</sup> provides that the provisions of the act first apply to actions  
affecting the family commenced on the effective date of the act.

4 (END)

**Basford, Sarah**

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**From:** Peterson, Eric  
**Sent:** Wednesday, January 09, 2008 2:16 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 07-3711/1 Topic: Parenting plans

Please Jacket LRB 07-3711/1 for the SENATE.