



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4752/1
EAW:amn&klm

2017 ASSEMBLY BILL 940

February 9, 2018 - Introduced by Representatives MURSAU and TUSLER. Referred to Committee on Family Law.

1 **AN ACT** *to repeal* 767.401 (1) (d); *to renumber and amend* 767.401 (1) (a); *to*
2 *amend* 767.401 (1) (b); and *to create* 767.401 (1) (a) 2. and 3. of the statutes;
3 **relating to:** mandatory parenting classes.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family in which a minor child is involved or in an action to determine the paternity of a child, a court has discretion to order one or both of the parties to attend parenting classes, if the court determines that it is appropriate and in the best interest of the child to do so. This bill eliminates the court's discretion and instead requires a court to order the parties to attend parenting classes in an action affecting the family in which a minor child is involved or in an action to determine the paternity of a child. Under the bill, a court may waive this requirement if the court finds that it is impracticable for a parent to attend the parenting classes or if a parent has previously attended such a class in the course of the action affecting the family.

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

4 **SECTION 1.** 767.401 (1) (a) of the statutes is renumbered 767.401 (1) (a) 1. and
5 amended to read:

ASSEMBLY BILL 940**SECTION 1**

1 767.401 (1) (a) 1. ~~During~~ Except as provided under subd. 4., during the
2 pendency of an action affecting the family in which a minor child is involved ~~and in~~
3 ~~which the court determines that it is appropriate and in the best interest of the child,~~
4 the court, ~~on its own motion, may~~ shall order the parties to attend a program
5 specified by the court concerning the effects on a child of a dissolution of the
6 marriage. If

7 4. When the court orders the parties to attend a program under ~~this paragraph~~
8 subd. 1. and there is evidence that one or both of the parties have engaged in
9 interspousal battery, as described in s. 940.19 or 940.20 (1m), or domestic abuse, as
10 defined in s. 813.12 (1) (am), the court may not require the parties to attend the
11 program together or at the same time.

12 **SECTION 2.** 767.401 (1) (a) 2. and 3. of the statutes are created to read:

13 767.401 (1) (a) 2. Notwithstanding s. 767.35 (1) and except as provided under
14 subd. 4., the court shall require attendance at a program under subd. 1. as a condition
15 to the granting of a final judgment or order in the action affecting the family.

16 3. The court may waive the requirement for a party to attend a program under
17 subd. 1. if the court finds that any of the following applies:

18 a. It is inappropriate or impracticable for a party to an action affecting the
19 family to complete the program.

20 b. The current action is to enforce or modify an order or judgment in an action
21 affecting the family for which the party has previously attended a program under
22 this paragraph.

23 **SECTION 3.** 767.401 (1) (b) of the statutes is amended to read:

24 767.401 (1) (b) During the pendency of an action to determine the paternity of
25 a child, or an action affecting the family for which the underlying action was an

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1 action to determine the paternity of a child, if the court determines that it is
2 appropriate and in the best interest of the child, the court, on its own motion, may
3 shall order either or both of the parties to attend a program specified by the court
4 providing training in parenting or coparenting skills, or both. Notwithstanding s.
5 767.35 (1), the court may require attendance in a program under this paragraph as
6 a condition to the granting of a final judgment or order in the action to determine
7 paternity. The court may waive the requirement to attend a program under this
8 paragraph if the court finds that it is inappropriate or impracticable for a party to
9 attend the program.

10 **SECTION 4.** 767.401 (1) (d) of the statutes is repealed.

11 **SECTION 5. Initial applicability.**

12 (1) This act first applies to an action affecting the family or an action to
13 determine paternity of a child filed on the effective date of this subsection.

14 (END)