

2017 DRAFTING REQUEST

Bill

For: **Jeffrey Mursau (608) 266-3780** Drafter: **ewheeler**
 By: **Cory** Secondary Drafters: **swalkenh**
 Date: **11/2/2017** May Contact:
 Same as LRB:

Submit via email: **YES**
 Requester's email: **Rep.Mursau@legis.wisconsin.gov**
 Carbon copy (CC) to: **Elizabeth.Wheeler@legis.wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Parenting classes

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|-----------------------|-----------------|-----------------|
| /? | ewheeler 11/7/2017 | anienaja 11/7/2017 | | | |
| /P1 | ewheeler 12/1/2017 | anienaja 12/4/2017 | dwalker 11/7/2017 | | |
| /P2 | ewheeler 12/18/2017 | kmochal 12/18/2017 | dwalker 12/4/2017 | | |
| /P3 | ewheeler 1/5/2018 | anienaja 1/5/2018 | lparisi 12/18/2017 | | |
| /P4 | | | dwalker | | |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Submitted</u> 1/5/2018 | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|------------------------------|----------------------|-----------------|
| /4 | | | lparisi 1/17/2018 | dwalker 1/17/2018 | |

FE Sent For:

<END>

↳ Not Needed

Walkenhorst Barber, Sarah

From: Dodge, Tamara
Sent: Monday, October 23, 2017 3:08 PM
To: Walkenhorst Barber, Sarah
Subject: FW: Bill Draft Request - Chapter 767

Tamara J. Dodge

Senior Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Bruce, Cory
Sent: Monday, October 23, 2017 2:47 PM
To: Dodge, Tamara <Tamara.Dodge@legis.wisconsin.gov>
Subject: Bill Draft Request - Chapter 767

Tamara,

I'm not sure if you're the correct drafting attorney, but we'd like to have a bill draft that would make a change to 767.401 (1) – related to parenting classes. We'd like to change the "may" to a "shall" so that parenting classes would be mandatory in all counties. I spoke with Margit Kelley at Leg. Council about this and she offered the following thoughts...

Both of the subsections in s. 767.401, Stats., are provisions for parenting classes in family matters, but they're used differently.

Subsection (1) is for the more routine parenting classes. It's generally a one-time class, up to 4 hours. The provision specifies that attendance can be used as a condition that must be met before a final judgment can be entered. As we talked about, some counties refer all parents to these classes, while some only refer the parents who will also be attending mediation to work out a placement schedule.

Subsection (2) is used for the parents who need a little more help. It's usually a series of classes, to get more in-depth. The provision specifies that attendance cannot be used as a condition for granting final judgment, but it can be used as a condition to hear a motion on placement.

In other words, if a person is looking to make the parenting class mandatory, sub. (1) would probably be the one they're thinking about. The language on using it as a condition for granting the final judgment would also need to be updated to "shall" phrasing.

Subsection (2) could stay as-is, to allow more help to parents when that's needed.

So we'd like to request a draft to change only subsection (1). Please let me know if you have any questions.

Thank you,
Cory
Mursau Office



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4752(2) PI
EAW:... Ann

11/02
Today please

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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eliminates the court's discretion and

1 AN ACT ...; 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, the court may order one or both of the parties to attend parenting classes, if the court determines that it is in the best interest of the child to do so. This bill 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.

appropriate and

discretion

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

2 SECTION 1. 767.401 (1) (a) of the statutes is amended to read:

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

when

1 under this paragraph and there is evidence that one or both of the parties have
2 engaged in interspousal battery, as described in s. 940.19 or 940.20 (1m), or domestic
3 abuse, as defined in s. 813.12 (1) (am), the court may not require the parties to attend
4 the program together or at the same time.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9; 2001 a. 61; 2003 a. 130; 2005 a. 443 ss. 59 to 63, 180; Stats. 2005 s. 767.401.

5 **SECTION 2.** 767.401 (1) (b) of the statutes is amended to read:

6 ~~767.401 (1) (b)~~ During the pendency of an action to determine the paternity of
7 a child, or an action affecting the family for which the underlying action was an
8 action to determine the paternity of a child, ~~if the court determines that it is~~
9 ~~appropriate and in the best interest of the child, the court, on its own motion, may~~
10 shall order ~~either or both~~ of the parties to attend a program specified by the court
11 providing training in parenting or coparenting skills, or both.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9; 2001 a. 61; 2003 a. 130; 2005 a. 443 ss. 59 to 63, 180; Stats. 2005 s. 767.401.

12 **SECTION 3. Initial applicability.**

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

15 (END)

Wheeler, Elizabeth

From: Bruce, Cory
Sent: Monday, November 27, 2017 2:04 PM
To: Wheeler, Elizabeth
Subject: correction to LRB 4752/P1

Follow Up Flag: Follow up
Flag Status: Flagged

Elizabeth,

You drafted LRB 4752 for us. We shared it with Leg. council to make sure that we were covering everything we had hoped to cover by making the parenting class mandatory. Margit suggested the following...the draft doesn't revise the language that says the court "may" condition the granting of the final judgment on attending the parenting class. It might be more logically consistent with the intent of requiring attendance to also specify that the court "shall" condition the granting of the final judgment on attending the parenting class. [See par. (d) of s. 767.401 (1), Stats.]

Can we make that change to the draft?

Thanks,
Cory
Mursau Office



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4752/P1
EAW:amn

1/p2

Monday 12/4

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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Regen.

1 **AN ACT to amend** 767.401 (1) (a) and 767.401 (1) (b) of the statutes; **relating to:**
2 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.

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

3 **SECTION 1.** 767.401 (1) (a) of the statutes is amended to read:
4 767.401 (1) (a) During the pendency of an action affecting the family in which
5 a minor child is involved and in which the court determines that it is appropriate and
6 in the best interest of the child, the court, on its own motion, may shall order the
7 parties to attend a program specified by the court concerning the effects on a child

1 of a dissolution of the marriage. If When the court orders the parties to attend a
2 program under this paragraph and there is evidence that one or both of the parties
3 have engaged in interspousal battery, as described in s. 940.19 or 940.20 (1m), or
4 domestic abuse, as defined in s. 813.12 (1) (am), the court may not require the parties
5 to attend the program together or at the same time.

6 **SECTION 2.** 767.401 (1) (b) of the statutes is amended to read:

7 767.401 (1) (b) During the pendency of an action to determine the paternity of
8 a child, or an action affecting the family for which the underlying action was an
9 action to determine the paternity of a child, ~~if the court determines that it is~~
10 ~~appropriate and in the best interest of the child, the court, on its own motion, may~~
11 shall order either or both of the parties to attend a program specified by the court
12 providing training in parenting or coparenting skills, or both.

13 **SECTION 3. Initial applicability.**

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

16 (END)

INS 2-13

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**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

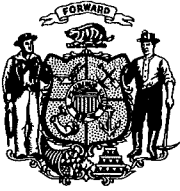
LRB-4752/Plins
EAW:amn

1 INS 2-13

2 **SECTION 1.** 767.401 (1) (d) of the statutes is amended to read:

3 ~~767.401~~ **(1)** (d) Notwithstanding s. 767.35 (1), the court may shall require the
4 parties to an action affecting the family in which a minor child is involved to attend
5 a program under par. (a) or (b) as a condition to the granting of a final judgment or
6 order in the action affecting the family.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9; 2001 a. 61; 2003 a. 130; 2005 a. 443 ss. 59 to 63, 180; Stats. 2005 s. 767.401.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4752/P2

EAW:amn

P3
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Today 12/18

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT to amend 767.401 (1) (a), 767.401 (1) (b) and 767.401 (1) (d) of the
2 statutes; **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.

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

Am parent

3 SECTION 1. 767.401 (1) (a) of the statutes is amended to read:
4 767.401 (1) (a) During the pendency of an action affecting the family in which
5 a minor child is involved and in which the court determines that it is appropriate and
6 in the best interest of the child, the court, on its own motion, may shall order the
7 parties to attend a program specified by the court concerning the effects on a child

(initial)
renumbered 767.401 (1) (a) 1. and

¶ 3.

1 of a dissolution of the marriage. ~~If~~ When the court orders the parties to attend a
 2 program under ^{subd. 1.} ~~this paragraph~~ and there is evidence that one or both of the parties
 3 have engaged in interspousal battery, as described in s. 940.19 or 940.20 (1m), or
 4 domestic abuse, as defined in s. 813.12 (1) (am), the court may not require the parties
 5 to attend the program together or at the same time.

INS
2-6

6 SECTION 2. 767.401 (1) (b) of the statutes is amended to read:

7 767.401 (1) (b) During the pendency of an action to determine the paternity of
 8 a child, or an action affecting the family for which the underlying action was an
 9 action to determine the paternity of a child, ~~if the court determines that it is~~
 10 ~~appropriate and in the best interest of the child, the court, on its own motion, may~~
 11 shall order either or both of the parties to attend a program specified by the court
 12 providing training in parenting or coparenting skills, or both.

13 SECTION 3. 767.401 (1) (d) of the statutes is amended to read: Repealed.

14 767.401 (1) (d) Notwithstanding s. 767.35 (1), the court ~~may~~ shall require the
 15 parties to an action affecting the family in which a minor child is involved to attend
 16 a program under par. (a) or (b) as a condition to the granting of a final judgment or
 17 order in the action affecting the family.

18 SECTION 4. Initial applicability.

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

21 (END)

Notwithstanding s. 767.35(1), the court may require attendance in a program under this paragraph as a condition to the granting of a final judgment or order in the action to determine paternity.

**2017-2018 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4752/P2ins
EAW:amn

INS 2-6

SECTION 1. 767.401 (1) (a) 2. of the statutes is created to read:

767.401 (1) (a) 2. Notwithstanding s. 767.35 (1), the court shall require attendance at a program under subd. 1. as a condition to the granting of a final judgment or order in the action affecting the family, unless the court finds that it is inappropriate or impracticable for a party to an action affecting the family to complete the program, in which case the court may waive the requirement.

Wheeler, Elizabeth

From: Bruce, Cory
Sent: Thursday, January 04, 2018 9:28 AM
To: Wheeler, Elizabeth; Kelley, Margit
Subject: RE: LRB-4752/P3 Parenting Class

Follow Up Flag: Follow up
Flag Status: Flagged

Hi,
I'm still trying to catch up with everything since break. Sorry for the delay on this. I think the escape valves are okay in both paternity and other actions affecting the family. In the case of paternity...after it's been established, then a class would be required as part of the placement proceedings. But after that, the escape valves would apply like they do in other actions. Does that make sense?

Thanks,
Cory

From: Wheeler, Elizabeth
Sent: Thursday, December 21, 2017 4:14 PM
To: Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>
Cc: Bruce, Cory <Cory.Bruce@legis.wisconsin.gov>
Subject: RE: LRB-4752/P3 Parenting Class

Hi Margit,

Do you want these escape valves (impracticability or previous attendance) to be available in the paternity cases as well, or just in the other actions affecting the family?

Thanks,

Elizabeth Wheeler
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Direct: 608-261-4453
Elizabeth.wheeler@legis.wisconsin.gov

From: Kelley, Margit
Sent: Wednesday, December 20, 2017 3:23 PM
To: Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Cc: Bruce, Cory <Cory.Bruce@legis.wisconsin.gov>
Subject: LRB-4752/P3 Parenting Class

Hi Liz,

Could you revise bill draft LRB-4752/P3 to remove the language about the "initial" action affecting the family?

Also, since the actions affecting a family would then include custody and placement modification actions under s. 767.451, could you add a provision to allow a waiver of the parenting class requirement in a modification action, for a parent who has already done the class? Something to show that the default would be that the class is required for all initial and modification actions, unless the person has previously attended the class in the initial action.

Thank you for working on this!

Margit Kelley
Senior Staff Attorney
Wisconsin Legislative Council
608-266-9280



FW 1/5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SA ✓

INSERT

Repeal

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.

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. of the statutes; relating**
3 **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.

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:

6 767.401 (1) (a) 1. ~~During~~ the pendency of an initial action affecting the family
7 in which a minor child is involved and ~~in which the court determines that it is~~

Except as provided under Subd. 4, during

initial

SECTION 1

1 appropriate and in the best interest of the child, the court, on its own motion, may
2 shall order the parties to attend a program specified by the court concerning the
3 effects on a child of a dissolution of the marriage. If

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

9 SECTION 2. 767.401 (1) (a) 2. ^{and 3} of the statutes ^{is} created to read:

10 767.401 (1) (a) 2. Notwithstanding s. 767.35 (1), the court shall require
11 attendance at a program under subd. 1. as a condition to the granting of a final
12 judgment or order in the action affecting the family, ^{same} unless the court finds that it is
13 inappropriate or impracticable for a party to an action affecting the family to
14 complete the program, in which case the court may waive the requirement.

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

16 767.401 (1) (b) During the pendency of an action to determine the paternity of
17 a child, or an action affecting the family for which the underlying action was an
18 action to determine the paternity of a child, ~~if the court determines that it is~~
19 ~~appropriate and in the best interest of the child,~~ the court, on its own motion, may
20 shall order either or both of the parties to attend a program specified by the court
21 providing training in parenting or coparenting skills, or both. Notwithstanding s.
22 767.35 (1), the court may require attendance in a program under this paragraph as
23 a condition to the granting of a final judgment or order in the action to determine
24 paternity.

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

INS
2-13

INS 2-24

and except as provided
under subd. 4.

2017-2018 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRB-4752/P3ins
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INS 2-13

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

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

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

INS 2-24

The court may waive the requirement to attend a program under this paragraph if the court finds that it is inappropriate or impracticable for a party to attend the program.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4752/P4
EAW:amn&klm

1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No
changes

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:

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)

Walker, Dan

From: Bruce, Cory
Sent: Wednesday, January 17, 2018 3:32 PM
To: LRB.Legal
Subject: Draft Review: LRB -4752/1

Please Jacket LRB -4752/1 for the ASSEMBLY.