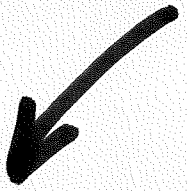





Appendix A ... segment II



LEGISLATIVE REFERENCE BUREAU
BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2015 LRB-4731/P2 (For: Rep. Rodriguez)
has been transferred to the drafting file for
2017 LRB-0794 (For: Rep. Rodriguez)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

(Request Made By: EAW) (Date: 11/22/2016)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4731/P1
PJK:kjf

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

by Wad (5-18)

regenerate ↓

1 **AN ACT to repeal** 767.41 (4) (d); **to amend** 767.001 (1) (k), 767.117 (1) (c), 767.215
2 (2) (j) 1., 767.215 (2) (j) 2., 767.225 (1) (bm), 767.407 (1) (am) 1. and 814.61 (7)
3 (b); **to repeal and recreate** 767.481; and **to create** 767.14, 767.41 (6) (h),
4 767.805 (4) (am) and 767.89 (3) (bm) of the statutes; **relating to:** relocating
5 with a child.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

6 **SECTION 1.** 767.001 (1) (k) of the statutes is amended to read:
7 767.001 (1) (k) Concerning periods of physical placement or visitation rights
8 to children, including an action to ~~prohibit a~~ move with or ~~the removal of~~ relocate
9 with a child under s. 767.481 (3)-(e).

and reside ✓

1 SECTION 2. 767.117 (1) (c) of the statutes is amended to read:

2 767.117 (1) (c) Unless the action is one under s. 767.001 (1) (g) or (h), without
3 the consent of the other party or an order of the court, ^{relocating and} establishing a residence with
4 or relocating with a minor child of the parties ~~outside the state or more than 150 100~~
5 miles from the residence of the other party ~~within the state~~, removing a minor child
6 of the parties from the state child's primary residence for more than 90 ¹⁴ _{plain} consecutive days, or concealing a minor child of the parties from the other party.

NOTE: Is this how you want this provision amended? ^{Insert 2-7}

8 SECTION 3. 767.14 of the statutes is created to read:

9 **767.14 Change of address.** Within 5 business days after receiving notice of
10 an address change by a party to an action affecting the family, the clerk of circuit
11 court shall enter the new address in the case file for the action.

12 SECTION 4. 767.215 (2) (j) 1. of the statutes is amended to read:

13 767.215 (2) (j) 1. ^{Relocating and establishing} ~~Establishing~~ a residence with or relocating with a minor child
14 of the parties ~~outside the state or more than 150 100~~ miles from the residence of the
15 other party ~~within the state~~.

NOTE: Is this how you want this provision amended? ^{Insert 2-7}

16 SECTION 5. 767.215 (2) (j) 2. of the statutes is amended to read:

17 767.215 (2) (j) 2. Removing a minor child of the parties from the state child's
18 primary residence for more than 90 ¹⁴ _{plain} consecutive days.

NOTE: Is this how you want to treat this provision?

19 SECTION 6. 767.225 (1) (bm) of the statutes is amended to read:

20 767.225 (1) (bm) Allowing a party to move with or ~~remove~~ relocate with a child
21 after a notice of an objection to the move has been filed under s. 767.481 (2) (a) (c),
22 as provided in s. 767.481 (3).

and reside

1 **SECTION 7.** 767.407 (1) (am) 1. of the statutes is amended to read:

2 767.407 (1) (am) 1. Legal custody or physical placement is contested in an
3 action to modify legal custody or physical placement under s. 767.451 or 767.481.

 ****NOTE: How do you want to treat the subdivision above? This must be
coordinated with proposed s. 767.481 (2) (c) 3. In this version of the draft, I notwithstanding
s. 767.407 (1) in proposed s. 767.481 (2) (c) 3.

4 **SECTION 8.** 767.41 (4) (d) of the statutes is repealed. ✓

5 **SECTION 9.** 767.41 (6) (h) of the statutes is created to read: ✓

6 767.41 (6) (h) In making an order of legal custody and periods of physical
7 placement, the court shall in writing inform the parents, and any other person
8 granted legal custody of the child, of all of the following:

9 1. That each parent must notify the other parent, the child support agency, and
10 the clerk of court of the address at which they may be served within 10 business days
11 of moving to that address. The address may be a street or post office address.

12 2. That the address provided to the court is the address on which the other
13 parties may rely for service of any motion relating to modification of legal custody or
14 physical placement or to relocating the child's residence.

15 3. That a parent granted periods of physical placement with the child must
16 obtain a court order before relocating with the child 100 miles or more from the other
17 parent if the other parent also has court-ordered periods of physical placement with
18 the child.

19 **SECTION 10.** 767.481 of the statutes is repealed and recreated to read:

20 **767.481 Relocating a child's residence. (1) MOTION; FILING AND SERVING.**

21 (a) If the court grants ^{any} periods of physical placement with a child to both parents and
22 one parent intends to relocate with the child 100 miles or more from the other parent,

→ Except as provided in par. (d), and reside ✓

1 the parent who intends to move shall file a motion with the court seeking permission
2 for the child's relocation.

***NOTE: This terminology is confusing because it seems to imply that only a parent with *more* physical placement than the other parent needs to give the notice. If the parent who is moving has much less physical placement with the child, will that move be considered relocating with the child? Should this provision simply require either parent to seek permission to move if both parents have physical placement rights? In other words, should the draft not characterize the move as "relocating with the child"?

3 (b) The motion under par. (a) shall include all of the following:

- 4 1. The date of the proposed move.
- 5 2. The municipality and state of the proposed new residence.
- 6 3. The reason for the move.
- 7 4. ^{if applicable,} A proposed new placement schedule, including placement during the school
- 8 year, summers, and holidays.

Insert 4-10

9 5. The proposed responsibility of each parent for transportation of the child
10 between the parties under ^{any} the proposed new placement schedule.

11 7. Notice to the other parent that, if he or she objects to the move, he or she must
12 file and serve, no later than 5 days before the initial hearing, an objection to the move
13 and any alternate proposal, including a modification of physical placement or legal
14 custody.

15 8. An attached "Objection to Move" form, furnished by the court, for use by the
16 other parent if he or she objects to the move.

Insert 4-20

17 (c) The parent filing the motion shall serve a copy of the motion by mail on the
18 other parent at his or her most recent address on file with the court. If the parent
19 filing the motion has actual knowledge that the other parent has a different address
20 from the one on file, the motion shall be served by mail at both addresses.

21 (2) INITIAL HEARING. (a) Upon the filing of a motion under sub. (1) (a), the court
22 shall schedule an initial hearing to be held within 30 days after the motion is filed

1 and shall provide notice to the parents of the date of the initial hearing. The child
2 may not be relocated pending the initial hearing.

****NOTE: If the child may not be "relocated" before the initial hearing, what does that mean if the parent needs to move before the hearing? Does the child then just not have physical placement with that parent, regardless of how much time the child normally spent with that parent before the move?

3 (b) If the court finds at the initial hearing that the parent not filing the motion
4 was properly served and does not appear at the hearing, or appears at the hearing
5 but does not object to the proposed relocation and relocation plan, the court shall
6 approve the proposed relocation plan submitted by the parent filing the motion

Subsect 5-6

****NOTE: This would seem to be in essence the same as a stipulation between the parties, which the court approves unless it is not in the best interest of the child. Must the court still approve the proposed relocation and plan under this paragraph if the court finds that the relocation and plan are not in the best interest of the child?

7 (c) If the parent not filing the motion appears at the initial hearing and objects
8 to the relocation or relocation plan, the court shall do all of the following:

9 1. Require the parent who objects to respond by stating in writing within 5
10 business days, if he or she has not already done so, the basis for the objection and his
11 or her proposals for a new placement schedule and transportation responsibilities
12 under sub. (1) (b) 4. and 5. in the event that the court grants the parent filing the
13 motion permission to relocate with the child. The parent who objects must file the
14 response with the court and serve a copy of the response on the parent proposing the
15 relocation in the manner provided in s. 801.14 (2).

16 2. Refer the parties to mediation, unless the court finds that attending
17 mediation would cause undue hardship or endanger the health or safety of a party
18 as provided in s. 767.405 (8) (b).

19 3. Notwithstanding s. 767.407 (1), appoint a guardian ad litem for the child.
20 The court shall provide in the order for appointment, however, that if a mediator is

(am)

→ Except as provided in

1 ordered under subd. 2. the guardian ad litem is not required to commence
2 investigation on behalf of the child unless the mediator notifies the court that the
3 parties are unable to reach an agreement on the issue.

****NOTE: I notwithstanding s. 767.407 (1) since that provision specifies when a GAL must be appointed and when one need not be appointed. Section 767.407 (1) (am) 1. specifically references s. 767.481 (this section). Section 767.407 (1) needs to be reviewed to determine if any changes are needed to that section.

****NOTE: I changed the language above to "unless the mediator notifies the court" Okay? "[B]efore the mediator notifies the court" sounds like the mediator is definitely going to notify the court that the parties are unable to reach an agreement.

Insert
6-3

4 4. Set the matter for a further hearing to be held within 60 days.

5 (3) RELOCATION PENDING FINAL HEARING. (a) At the initial hearing, or at any time
6 after the initial hearing but before the final hearing, the court may allow the parent
7 proposing the relocation to move with the child if the court finds that the relocation
8 is in the child's immediate best interest. The court shall inform the parties, however,
9 that approval of the relocation is subject to revision at the final hearing.

10 (b) If a court commissioner makes a determination, order, or ruling regarding
11 relocation pending the final hearing, either party may seek a review by hearing de
12 novo under s. 757.69 (8). The motion requesting the de novo hearing must be filed
13 with the court within 10 days after the court commissioner orally issued the
14 determination, order, or ruling. The judge shall hold the de novo hearing within 30
15 days after the motion requesting the de novo hearing is filed, unless the court finds
16 good cause for an extension.

17 (4) STANDARDS FOR DECIDING RELOCATION MOTIONS. At the final hearing, the
18 judge shall decide the matter as follows:

19 (a) If the proposed relocation and new placement schedule only minimally
20 change or affect the current placement schedule, the court shall approve the
21 proposed relocation, set a new placement schedule if appropriate, and allocate the

1 costs of and responsibility for transportation of the child between the parties under
2 the new placement schedule.

3 (b) In cases other than that specified in par. (a), the court shall, in determining
4 whether to approve the proposed relocation and a new placement schedule, use the
5 following factors:

6 1. The factors under s. 767.41 (5).

7 2. A presumption that the court should approve the plan of the parent
8 proposing the relocation if the objecting parent has not significantly exercised
9 court-ordered physical placement.

10 3. A presumption that the court should approve the plan of the parent
11 proposing the relocation if the parent's move is related to abuse, as defined in s.
12 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
13 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
14 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

***NOTE: Instead of the definition for "child" in s. 48.02 (2), I used the definition
in s. 813.122 (1) (b) for consistency with the other provisions in ch. 767 that refer to abuse
of a child. Okay?

15 (c) If the objecting parent files a responsive motion that seeks a substantial
16 change in physical placement or a change in legal custody, the court shall, in deciding
17 the motion of the objecting parent, use the following factors:

18 1. The factors under s. 767.41 (5).

19 2. A presumption against transferring legal custody or the primary residence
20 of the child to a parent who has significantly failed to exercise court-ordered physical
21 placement.

22 3. A presumption that the court should approve the plan of the parent
23 proposing the relocation if the parent's move is related to abuse, as defined in s.

1 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
2 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
3 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

****NOTE: See the NOTE above regarding the definition of "child."

4 (d) The court shall decide all contested relocation motions and all motions for
5 modification of legal custody or physical placement filed in response to relocation
6 motions in the best interest of the child. Both parents bear the burden of proof in
7 contested relocation motions except in cases involving a presumption under par. (b)
8 2. or 3. or (c) 2. or 3. In cases involving a presumption under par. (b) 2. or 3. or (c) 2.
9 or 3., the parent objecting to the move shall have the burden of proof in
10 demonstrating the proposed move is not in the child's best interest.

11 (e) If the objecting parent files a responsive motion that seeks a substantial
12 change in physical placement or a change in legal custody, and the parent proposing
13 the relocation does not relocate or the court does not allow the relocation, the motion
14 shall proceed under s. 767.451.

Insert 8-13

Insert 8-14

****NOTE: This provision is confusing to me. I don't understand the statement "and the parent proposing the relocation does not relocate." Is that referring to not relocating after the initial hearing pending the final hearing? Does it mean the parent proposing the relocation decides to drop the motion? What time frame is meant? If the parent proposing the relocation decides not to do it, or if the court does not allow the relocation, wouldn't it be likely that the other parent would drop the objection to the relocation so a proceeding under s. 767.451 would not be needed?

15 (5) STIPULATIONS. At any time after a motion is filed under sub. (1), if the parties
16 agree that one parent may move more than 100 miles away from the other parent,
17 the parties may file a stipulation with the court that specifies that neither parent has
18 any objection to the planned move and that sets out any agreed upon modification
19 to legal custody or periods of physical placement, including responsibility for
20 transportation of the child between the parties under a proposed new placement

Subsect 9-1

1 schedule. The court shall incorporate the terms of the stipulation into a revised order
2 of *legal* custody or *physical* placement *as appropriate* unless the court finds that the modification is not in the best
3 interest of the child.

****NOTE: The proposed subsection above appeared to duplicate proposed sub. (1) (d). Therefore, I deleted sub. (1) (d).

****NOTE: What if the stipulation does not modify custody or physical placement? Into what kind of an order would the stipulation be incorporated? An order allowing the relocation?

4 (6) OTHER NOTICE REQUIRED FOR REMOVALS. Except as otherwise provided in an
5 order or judgment allocating periods of physical placement with a child, a person who
6 has legal custody of and periods of physical placement with the child shall notify any
7 other person who has periods of physical placement with the child before removing
8 the child from his or her primary residence for a period of more than 14 consecutive
9 days.

10 SECTION 11. 767.805 (4) (am) of the statutes is created to read:

11 767.805 (4) (am) The information set forth in s. 767.41 (6) (h).

12 SECTION 12. 767.89 (3) (bm) of the statutes is created to read:

13 767.89 (3) (bm) The information set forth in s. 767.41 (6) (h).

14 SECTION 13. 814.61 (7) (b) of the statutes is amended to read:

15 814.61 (7) (b) Upon the filing of any petition, motion, or order to show cause
16 by either party under s. 767.451 or 767.481, \$50. No fee may be collected under this
17 paragraph for filing a petition, motion, or order to show cause for the revision of a
18 judgment or order for legal custody or physical placement if both parties have
19 stipulated to the revision of the judgment or order. Of the fees received by the clerk
20 under this paragraph, the county treasurer shall pay 25% to the secretary of
21 administration for deposit in the general fund, retain 25% for the use of the county,

Subsect 9-9

1 and deposit 50% in a separate account to be used by the county exclusively for the
2 purposes specified in s. 767.405.

****NOTE: Do you want to add filing an objection under s. 767.481 to the provision above? That would require a \$50 fee for filing an objection.

3 **SECTION 14. Initial applicability.**

4 (1) INFORMATION IN ORDERS REGARDING RELOCATIONS. The treatment of sections
5 767.41 (4) (d) and (6) (h), 767.805 (4) (am), and 767.89 (3) (bm) of the statutes first
6 applies to judgments or orders for legal custody of and physical placement with a
7 child that are granted ^{Insert 10-7} on the effective date of this subsection.

8 (2) MOTIONS TO RELOCATE WITH A CHILD. The treatment of sections 767.001 (1)
9 (k) ^{and} 767.225 (1) (bm), 767.407 (1) (am) 1., and 767.481 of the statutes first applies to
10 motions to relocate with a child that are filed ^{Insert 10-10} on the effective date of this subsection. ^{Paragraph}

****NOTE: I have concerns about the two initial applicability provisions above. When the actions to which these provisions apply were filed, the rules regarding moving with children were different. When the actions were filed, the petition stated the old rules (see s. 767.215 (2) (j)) and the parties were prohibited from violating the old rules (see s. 767.117 (1) (c) and (2)). Do you want to change the rules for actions that were commenced when the old rules applied or do you want to start fresh and have the new rules apply in actions that are commenced on or after the effective date?

****NOTE: Section 767.407 (1) (am) 1. was included in the initial applicability provision above in the proposed draft, but that section itself was not treated or included in the proposed draft. I have included that section in this version of the draft but only to highlight that it may need to be treated in some way.

11 (3) PROHIBITED ACTS DURING THE PENDENCY OF AN ACTION. The treatment of
12 sections 767.117 (1) (c) and 767.215 (2) (j) 1. and 2. of the statutes first applies to
13 actions affecting the family, other than ^{excluding} actions for maintenance payments or
14 property division, that are commenced on the effective date of this subsection.

15 (END)

Insert 10-14

D-note

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4731/P2ins
PJK:kjf

INSERT 2-7

with This language tracks the new language in proposed s. 767.481 (1) (a) more closely. ✓

(END OF INSERT 2-7)

INSERT 4-10

C 1 6. If applicable, a request for a change in legal custody.

(END OF INSERT 4-10)

INSERT 4-20

C 2 (d) The requirement to file a motion under par. (a) does not apply if the child's
3 parents already live more than 100 miles apart when a parent proposes to move and
4 relocate with the child. ✓

(END OF INSERT 4-20)

INSERT 5-6

with 5 unless the court finds that the proposed relocation plan is not in the best
6 interest of the child

(END OF INSERT 5-6)

INSERT 6-3

***NOTE: I changed "Notwithstanding s. 767.407 (1)" to "Except as provided in s. 767.407 (1) (am)." Okay? ✓

(END OF INSERT 6-3)

INSERT 8-13

with 7 withdraws or otherwise fails to pursue his or her relocation motion

(END OF INSERT 8-13)

INSERT 8-14



1 ^{will} court shall proceed on the objecting parent's responsive

(END OF INSERT 8-14)

INSERT 9-1

2 ^{will} an order for the relocation or

(END OF INSERT 9-1)

INSERT 9-9

3 ^{ci} **(7) APPLICABILITY.** (a) The requirements and procedures under this section [✓]
4 apply to relocations with or removals of a child in any of the following cases:

5 1. Cases that are originally commenced on or after the effective date of this
6 subdivision [✓] [LRB inserts date].

7 2. Cases that were originally commenced before the effective date of this
8 subdivision [✓] [LRB inserts date], but in which a legal custody or physical placement
9 order is modified on or after the effective date of this subdivision [✓] [LRB inserts
10 date].

11 (b) Except as provided in par. (a) [✓] 2., the requirements and procedures under
12 s. 767.481, 2015 stats., apply to moves with or removals of a child in cases that were
13 originally commenced before the effective date of this paragraph [✓] [LRB inserts
14 date].

(END OF INSERT 9-9)

INSERT 10-7

15 ^{will} in actions affecting the family, including actions to modify judgments or orders
16 previously granted, that are commenced

(END OF INSERT 10-7)

INSERT 10-10

- 1 ^{not} in any of the following: ✓
- 2 (a) Cases originally commenced on the effective date of this paragraph.
- 3 (b) Cases in which legal custody or physical placement is modified

(END OF INSERT 10-10)

INSERT 10-14

- 4 ^{not} but including actions to modify judgments or orders previously granted,

(END OF INSERT 10-14)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



*Checked in
Feel free
to shorten
or modify
in any other
way*

ANALYSIS FOR P2

The bill requires a parent who has periods of physical placement with a child and who intends to move with the child to file a motion seeking permission from the court to relocate and reside with the child more than 100 miles from the child's other parent if that other parent also has periods of physical placement with the child.

Under current law, if both parents of a child have periods of physical placement with the child (such as after a divorce), and a parent who has sole or joint legal custody intends to move with the child outside the state or in the state at a distance of 150 miles or more from the other parent, or remove the child from the state for 90 or more consecutive days, that parent must give 60 days' written notice of his or her intention to the other parent, who may file an objection to the move or removal. The options available to the court in that case, upon the proper motions and proofs, are to allow the move or removal, to modify legal custody or physical placement or both, or to prohibit the move or removal.

Under this bill, if both parents of a child have any periods of physical placement and one of the parents intends to relocate and reside with the child more than 100 miles from the other parent, the moving parent (parent A) must file with the court a motion that seeks permission to relocate the child and that provides information about the proposed move, including the reason for the move, and a new placement schedule. Parent A must serve a copy of the motion by mail on the other parent (parent B), who may object to the move by filing an objection or by filing a responsive motion seeking a change in physical placement or legal custody.

The court must hold an initial hearing on the motion to move within 30 days after the motion is filed. If parent B does not object to the proposed relocation and new placement plan or does not appear at the hearing, the court may approve the relocation and plan unless it is not in the best interest of the child. If parent B appears at the hearing and objects to the relocation or new placement plan, the court must, with certain exceptions, refer the parents to mediation, appoint a guardian ad litem for the child, and set the matter for a further hearing to be held within 60 days. Subject to revision at the final hearing, the court may allow parent A to relocate with the child before the final hearing if the court finds that relocation is in the child's immediate best interest.

The bill sets out the standards for the court to use when deciding the motions at the final hearing. If the relocation and new placement schedule only minimally changes the current schedule, the court must approve the relocation and new placement schedule and allocate the costs of and responsibility for transportation of the child. In other cases, the court must decide the motion by using the same factors that the court uses when determining physical placement and legal custody. There is a presumption to approve the plan of parent A if parent B has not significantly exercised physical placement or if the relocation is related to abuse of parent A or the child. If parent B has filed a responsive motion seeking a substantial change in physical placement or a change in legal custody, the court must decide that motion by using the factors that the court uses when determining physical placement and legal custody. There is a presumption against transferring legal custody or the

primary residence of the child to a parent who has significantly failed to exercise physical placement and a presumption to approve the plan of parent A if the relocation is related to abuse of parent A or the child.

In addition, the bill provides that the motion and notice requirements do not apply if the parents already live more than 100 miles apart; that the court may approve a stipulation of the parents that allows a parent to move more than 100 miles from the other parent unless the court finds that the modification is not in the child's best interest; and that a person with legal custody of and periods of physical placement with a child must notify any other person who has periods of physical placement with the child before removing the child from his or her primary residence for more than 14 consecutive days.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4731/P2
PJK:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

for P3 (a/1)
& changed
"100 miles or more"
to "more than
100 miles" for
consistency
PJK

1 AN ACT *to repeal* 767.41 7.001 (1) (k), 767.117 (1) (c), 767.215
2 (2) (j) 1., 767.215 (2) (j) 2. and 767.225 (1) (bm); *to repeal and recreate*
3 767.481; and *to create* 767.14, 767.41 (6) (h), 767.805 (4) (am) and 767.89 (3)
4 (bm) of the statutes; **relating to:** relocating with a child.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 SECTION 1. 767.001 (1) (k) of the statutes is amended to read:
6 767.001 (1) (k) Concerning periods of physical placement or visitation rights
7 to children, including an action to prohibit a move with or the removal of relocate
8 and reside with a child under s. 767.481 (3)(e).

9 SECTION 2. 767.117 (1) (c) of the statutes is amended to read:

1 767.117 (1) (c) Unless the action is one under s. 767.001 (1) (g) or (h), without
2 the consent of the other party or an order of the court, relocating and establishing
3 a residence with a minor child of the parties ~~outside the state or more than 150~~ 100
4 miles from the residence of the other party ~~within the state~~, removing a minor child
5 of the parties from the state child's primary residence for more than 90 consecutive
6 days, or concealing a minor child of the parties from the other party.

 ****NOTE: Is this how you want this provision amended? This language tracks the
new language in proposed s. 767.481 (1) (a) more closely.

7 **SECTION 3.** 767.14 of the statutes is created to read:

8 **767.14 Change of address.** Within 5 business days after receiving notice of
9 an address change by a party to an action affecting the family, the clerk of circuit
10 court shall enter the new address in the case file for the action.

11 **SECTION 4.** 767.215 (2) (j) 1. of the statutes is amended to read:

12 **767.215 (2) (j) 1.** ~~Establishing~~ Relocating and establishing a residence with a
13 minor child of the parties ~~outside the state or more than 150~~ 100 miles from the
14 residence of the other party ~~within the state~~.

 ****NOTE: Is this how you want this provision amended? This language tracks the
new language in proposed s. 767.481 (1) (a) more closely.

15 **SECTION 5.** 767.215 (2) (j) 2. of the statutes is amended to read:

16 **767.215 (2) (j) 2.** Removing a minor child of the parties from the state child's
17 primary residence for more than 90 consecutive days.

18 **SECTION 6.** 767.225 (1) (bm) of the statutes is amended to read:

19 **767.225 (1) (bm)** Allowing a party to move with or ~~remove~~ relocate and reside
20 with a child after a notice of an objection to the move has been filed under s. 767.481
21 (2) (a) (c), as provided in s. 767.481 (3).

22 **SECTION 7.** 767.41 (4) (d) of the statutes is repealed.

1 **SECTION 8.** 767.41 (6) (h) of the statutes is created to read:

2 767.41 **(6)** (h) In making an order of legal custody and periods of physical
3 placement, the court shall in writing inform the parents, and any other person
4 granted legal custody of the child, of all of the following:

5 1. That each parent must notify the other parent, the child support agency, and
6 the clerk of court of the address at which they may be served within 10 business days
7 of moving to that address. The address may be a street or post office address.

8 2. That the address provided to the court is the address on which the other
9 parties may rely for service of any motion relating to modification of legal custody or
10 physical placement or to relocating the child's residence.

11 3. That a parent granted periods of physical placement with the child must
12 obtain a court order before relocating with the child ^{more than} 100 miles ~~or more~~ from the other
13 parent if the other parent also has court-ordered periods of physical placement with
14 the child.

15 **SECTION 9.** 767.481 of the statutes is repealed and recreated to read:

16 **767.481 Relocating a child's residence.** (1) MOTION; FILING AND SERVING.

17 (a) Except as provided in par. (d), if the court grants any periods of physical
18 placement with a child to both parents and one parent intends to relocate and reside
19 with the child ^{more than} 100 miles ~~or more~~ from the other parent, the parent who intends to
20 move shall file a motion with the court seeking permission for the child's relocation.

21 (b) The motion under par. (a) shall include all of the following:

22 1. The date of the proposed move.

23 2. The municipality and state of the proposed new residence.

24 3. The reason for the move.

1 4. If applicable, a proposed new placement schedule, including placement
2 during the school year, summers, and holidays.

3 5. The proposed responsibility of each parent for transportation of the child
4 between the parties under any proposed new placement schedule.

5 6. If applicable, a request for a change in legal custody.

6 7. Notice to the other parent that, if he or she objects to the move, he or she must
7 file and serve, no later than 5 days before the initial hearing, an objection to the move
8 and any alternate proposal, including a modification of physical placement or legal
9 custody.

10 8. An attached “Objection to Move” form, furnished by the court, for use by the
11 other parent if he or she objects to the move.

12 (c) The parent filing the motion shall serve a copy of the motion by mail on the
13 other parent at his or her most recent address on file with the court. If the parent
14 filing the motion has actual knowledge that the other parent has a different address
15 from the one on file, the motion shall be served by mail at both addresses.

16 (d) The requirement to file a motion under par. (a) does not apply if the child’s
17 parents already live more than 100 miles apart when a parent proposes to move and
18 relocate with the child.

19 **(2) INITIAL HEARING.** (a) Upon the filing of a motion under sub. (1) (a), the court
20 shall schedule an initial hearing to be held within 30 days after the motion is filed
21 and shall provide notice to the parents of the date of the initial hearing. The child
22 may not be relocated pending the initial hearing.

23 (b) If the court finds at the initial hearing that the parent not filing the motion
24 was properly served and does not appear at the hearing, or appears at the hearing
25 but does not object to the proposed relocation and relocation plan, the court shall

1 approve the proposed relocation plan submitted by the parent filing the motion
2 unless the court finds that the proposed relocation plan is not in the best interest of
3 the child.

4 (c) If the parent not filing the motion appears at the initial hearing and objects
5 to the relocation or relocation plan, the court shall do all of the following:

6 1. Require the parent who objects to respond by stating in writing within 5
7 business days, if he or she has not already done so, the basis for the objection and his
8 or her proposals for a new placement schedule and transportation responsibilities
9 under sub. (1) (b) 4. and 5. in the event that the court grants the parent filing the
10 motion permission to relocate with the child. The parent who objects must file the
11 response with the court and serve a copy of the response on the parent proposing the
12 relocation in the manner provided in s. 801.14 (2).

13 2. Refer the parties to mediation, unless the court finds that attending
14 mediation would cause undue hardship or endanger the health or safety of a party
15 as provided in s. 767.405 (8) (b).

16 3. Except as provided in s. 767.407 (1) (am), appoint a guardian ad litem for the
17 child. The court shall provide in the order for appointment, however, that if a
18 mediator is ordered under subd. 2. the guardian ad litem is not required to commence
19 investigation on behalf of the child unless the mediator notifies the court that the
20 parties are unable to reach an agreement on the issue.

****NOTE: I changed “Notwithstanding s. 767.407 (1)” to “Except as provided in s.
767.407 (1) (am).” Okay?

21 4. Set the matter for a further hearing to be held within 60 days.

22 **(3) RELOCATION PENDING FINAL HEARING.** (a) At the initial hearing, or at any time
23 after the initial hearing but before the final hearing, the court may allow the parent

1 proposing the relocation to move with the child if the court finds that the relocation
2 is in the child's immediate best interest. The court shall inform the parties, however,
3 that approval of the relocation is subject to revision at the final hearing.

4 (b) If a court commissioner makes a determination, order, or ruling regarding
5 relocation pending the final hearing, either party may seek a review by hearing de
6 novo under s. 757.69 (8). The motion requesting the de novo hearing must be filed
7 with the court within 10 days after the court commissioner orally issues the
8 determination, order, or ruling. The judge shall hold the de novo hearing within 30
9 days after the motion requesting the de novo hearing is filed, unless the court finds
10 good cause for an extension.

11 (4) STANDARDS FOR DECIDING RELOCATION MOTIONS. At the final hearing, the
12 judge shall decide the matter as follows:

13 (a) If the proposed relocation and new placement schedule only minimally
14 change or affect the current placement schedule, the court shall approve the
15 proposed relocation, set a new placement schedule if appropriate, and allocate the
16 costs of and responsibility for transportation of the child between the parties under
17 the new placement schedule.

18 (b) In cases other than that specified in par. (a), the court shall, in determining
19 whether to approve the proposed relocation and a new placement schedule, use the
20 following factors:

21 1. The factors under s. 767.41 (5).

22 2. A presumption that the court should approve the plan of the parent
23 proposing the relocation if the objecting parent has not significantly exercised
24 court-ordered physical placement.

1 3. A presumption that the court should approve the plan of the parent
2 proposing the relocation if the parent’s move is related to abuse, as defined in s.
3 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
4 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
5 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

6 (c) If the objecting parent files a responsive motion that seeks a substantial
7 change in physical placement or a change in legal custody, the court shall, in deciding
8 the motion of the objecting parent, use the following factors:

9 1. The factors under s. 767.41 (5).

10 2. A presumption against transferring legal custody or the primary residence
11 of the child to a parent who has significantly failed to exercise court-ordered physical
12 placement.

13 3. A presumption that the court should approve the plan of the parent
14 proposing the relocation if the parent’s move is related to abuse, as defined in s.
15 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
16 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
17 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

18 (d) The court shall decide all contested relocation motions and all motions for
19 modification of legal custody or physical placement filed in response to relocation
20 motions in the best interest of the child. Both parents bear the burden of proof in
21 contested relocation motions except in cases involving a presumption under par. (b)
22 2. or 3. or (c) 2. or 3. In cases involving a presumption under par. (b) 2. or 3. or (c) 2.
23 or 3., the parent objecting to the move shall have the burden of proof in
24 demonstrating the proposed move is not in the child’s best interest.

1 (e) If the objecting parent files a responsive motion that seeks a substantial
2 change in physical placement or a change in legal custody, and the parent proposing
3 the relocation withdraws or otherwise fails to pursue his or her relocation motion or
4 the court does not allow the relocation, the court shall proceed on the objecting
5 parent's responsive motion under s. 767.451.

6 (5) STIPULATIONS. At any time after a motion is filed under sub. (1), if the parties
7 agree that one parent may move more than 100 miles away from the other parent,
8 the parties may file a stipulation with the court that specifies that neither parent has
9 any objection to the planned move and that sets out any agreed upon modification
10 to legal custody or periods of physical placement, including responsibility for
11 transportation of the child between the parties under a proposed new placement
12 schedule. The court shall incorporate the terms of the stipulation into an order for
13 the relocation or a revised order of legal custody or physical placement, as
14 appropriate, unless the court finds that the modification is not in the best interest
15 of the child.

16 (6) OTHER NOTICE REQUIRED FOR REMOVALS. Except as otherwise provided in an
17 order or judgment allocating periods of physical placement with a child, a person who
18 has legal custody of and periods of physical placement with the child shall notify any
19 other person who has periods of physical placement with the child before removing
20 the child from his or her primary residence for a period of more than 14 consecutive
21 days.

22 (7) APPLICABILITY. (a) The requirements and procedures under this section
23 apply to relocations with or removals of a child in any of the following cases:

24 1. Cases that are originally commenced on or after the effective date of this
25 subdivision [LRB inserts date].

1 2. Cases that were originally commenced before the effective date of this
2 subdivision [LRB inserts date], but in which a legal custody or physical placement
3 order is modified on or after the effective date of this subdivision [LRB inserts
4 date].

5 (b) Except as provided in par. (a) 2., the requirements and procedures under
6 s. 767.481, 2015 stats., apply to moves with or removals of a child in cases that were
7 originally commenced before the effective date of this paragraph [LRB inserts
8 date].

9 **SECTION 10.** 767.805 (4) (am) of the statutes is created to read:

10 767.805 (4) (am) The information set forth in s. 767.41 (6) (h).

11 **SECTION 11.** 767.89 (3) (bm) of the statutes is created to read:

12 767.89 (3) (bm) The information set forth in s. 767.41 (6) (h).

13 **SECTION 12. Initial applicability.**

14 (1) INFORMATION IN ORDERS REGARDING RELOCATIONS. The treatment of sections
15 767.41 (4) (d) and (6) (h), 767.805 (4) (am), and 767.89 (3) (bm) of the statutes first
16 applies to judgments or orders for legal custody of and physical placement with a
17 child that are granted in actions affecting the family, including actions to modify
18 judgments or orders previously granted, that are commenced on the effective date
19 of this subsection.

20 (2) MOTIONS TO RELOCATE WITH A CHILD. The treatment of sections 767.001 (1)
21 (k) and 767.225 (1) (bm) of the statutes first applies to motions to relocate with a child
22 that are filed in any of the following:

23 (a) Cases originally commenced on the effective date of this paragraph.

24 (b) Cases in which legal custody or physical placement is modified on the
25 effective date of this paragraph.

1 (3) PROHIBITED ACTS DURING THE PENDENCY OF AN ACTION. The treatment of
2 sections 767.117 (1) (c) and 767.215 (2) (j) 1. and 2. of the statutes first applies to
3 actions affecting the family, excluding actions for maintenance payments or property
4 division, but including actions to modify judgments or orders previously granted,
5 that are commenced on the effective date of this subsection.

6

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4731/P2dn

PJK: *g*

Date

Because you indicated that the parent proposing to relocate may also request a change in legal custody as part of the motion to relocate, I have added that to what the motion should include in proposed s. 767.481 (1) (b) 6. Most of the remainder of the draft, however, still addresses only a change in legal custody if the objecting parent requests it. For example, in the factors for the court to use when deciding the matter under proposed sub. (4), changing legal custody is addressed only in the context of the objecting parent's responsive motion. It is not mentioned in the context of such a request by the parent proposing the relocation. Please advise if you want to make any changes with respect to this issue.

Requirements → I tried to accommodate your request to have the new requirements for relocation apply to new cases commenced on or after the effective date and old cases commenced before the effective date if a modification to a legal custody or physical placement order is made on or after the effective date. I did this by creating proposed s. 767.481(7). As you can see, the language gets a little complicated. It would be much simpler if the new procedure just applied to new cases commenced on or after the effective date. Let me know if what I have drafted accomplishes what you intended or if you would like any changes to it.

I thought that only item number 2 of the four scenarios to which the new requirements do not apply was necessary to mention. All the other scenarios are implicitly excluded by the terms of the new requirements. I have excluded item number 2 in proposed s. 767.481 (1) (d).

Pamela J. Kahler
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4731/P2dn
PJK:kjf

May 17, 2016

Because you indicated that the parent proposing to relocate may also request a change in legal custody as part of the motion to relocate, I have added that to what the motion should include in proposed s. 767.481 (1) (b) 6. Most of the remainder of the draft, however, still addresses only a change in legal custody if the objecting parent requests it. For example, in the factors for the court to use when deciding the matter under proposed sub. (4), changing legal custody is addressed only in the context of the objecting parent's responsive motion. It is not mentioned in the context of such a request by the parent proposing the relocation. Please advise if you want to make any changes with respect to this issue.

I tried to accommodate your request to have the new requirements for relocation apply to new cases commenced on or after the effective date and old cases commenced before the effective date if a modification to a legal custody or physical placement order is made on or after the effective date. I did this by creating proposed s. 767.481 (7). As you can see, the language gets a little complicated. It would be much simpler if the new requirements just applied to new cases commenced on or after the effective date. Let me know if what I have drafted accomplishes what you intended or if you would like any changes to it.

I thought that only item number 2 of the four scenarios to which the new requirements do not apply was necessary to mention. All the other scenarios are implicitly excluded by the terms of the new requirements. I have excluded item number 2 in proposed s. 767.481 (1) (d).

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State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4731/P2
PJK:kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 767.41 (4) (d); *to amend* 767.001 (1) (k), 767.117 (1) (c), 767.215
2 (2) (j) 1., 767.215 (2) (j) 2. and 767.225 (1) (bm); *to repeal and recreate*
3 767.481; and *to create* 767.14, 767.41 (6) (h), 767.805 (4) (am) and 767.89 (3)
4 (bm) of the statutes; **relating to:** relocating with a child.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

5 **SECTION 1.** 767.001 (1) (k) of the statutes is amended to read:
6 767.001 (1) (k) Concerning periods of physical placement or visitation rights
7 to children, including an action to ~~prohibit a move with or the removal of~~ relocate
8 and reside with a child under s. 767.481 (3) (e).

9 **SECTION 2.** 767.117 (1) (c) of the statutes is amended to read:

1 767.117 (1) (c) Unless the action is one under s. 767.001 (1) (g) or (h), without
2 the consent of the other party or an order of the court, relocating and establishing
3 a residence with a minor child of the parties ~~outside the state or more than 150~~ 100
4 miles from the residence of the other party ~~within the state~~, removing a minor child
5 of the parties from the ~~state~~ child's primary residence for more than 90 consecutive
6 days, or concealing a minor child of the parties from the other party.

 ****NOTE: Is this how you want this provision amended? This language tracks the
new language in proposed s. 767.481 (1) (a) more closely.

7 **SECTION 3.** 767.14 of the statutes is created to read:

8 **767.14 Change of address.** Within 5 business days after receiving notice of
9 an address change by a party to an action affecting the family, the clerk of circuit
10 court shall enter the new address in the case file for the action.

11 **SECTION 4.** 767.215 (2) (j) 1. of the statutes is amended to read:

12 767.215 (2) (j) 1. ~~Establishing~~ Relocating and establishing a residence with a
13 minor child of the parties ~~outside the state or more than 150~~ 100 miles from the
14 residence of the other party ~~within the state~~.

 ****NOTE: Is this how you want this provision amended? This language tracks the
new language in proposed s. 767.481 (1) (a) more closely.

15 **SECTION 5.** 767.215 (2) (j) 2. of the statutes is amended to read:

16 767.215 (2) (j) 2. Removing a minor child of the parties from the ~~state~~ child's
17 primary residence for more than 90 consecutive days.

18 **SECTION 6.** 767.225 (1) (bm) of the statutes is amended to read:

19 767.225 (1) (bm) Allowing a party to move with or ~~remove~~ relocate and reside
20 with a child after a notice of an objection to the move has been filed under s. 767.481
21 (2) (a) (c), as provided in s. 767.481 (3).

22 **SECTION 7.** 767.41 (4) (d) of the statutes is repealed.

1 **SECTION 8.** 767.41 (6) (h) of the statutes is created to read:

2 767.41 (6) (h) In making an order of legal custody and periods of physical
3 placement, the court shall in writing inform the parents, and any other person
4 granted legal custody of the child, of all of the following:

5 1. That each parent must notify the other parent, the child support agency, and
6 the clerk of court of the address at which they may be served within 10 business days
7 of moving to that address. The address may be a street or post office address.

8 2. That the address provided to the court is the address on which the other
9 parties may rely for service of any motion relating to modification of legal custody or
10 physical placement or to relocating the child's residence.

11 3. That a parent granted periods of physical placement with the child must
12 obtain a court order before relocating with the child 100 miles or more from the other
13 parent if the other parent also has court-ordered periods of physical placement with
14 the child.

15 **SECTION 9.** 767.481 of the statutes is repealed and recreated to read:

16 **767.481 Relocating a child's residence.** (1) MOTION; FILING AND SERVING.

17 (a) Except as provided in par. (d), if the court grants any periods of physical
18 placement with a child to both parents and one parent intends to relocate and reside
19 with the child 100 miles or more from the other parent, the parent who intends to
20 move shall file a motion with the court seeking permission for the child's relocation.

21 (b) The motion under par. (a) shall include all of the following:

22 1. The date of the proposed move.

23 2. The municipality and state of the proposed new residence.

24 3. The reason for the move.

1 4. If applicable, a proposed new placement schedule, including placement
2 during the school year, summers, and holidays.

3 5. The proposed responsibility of each parent for transportation of the child
4 between the parties under any proposed new placement schedule.

5 6. If applicable, a request for a change in legal custody.

6 7. Notice to the other parent that, if he or she objects to the move, he or she must
7 file and serve, no later than 5 days before the initial hearing, an objection to the move
8 and any alternate proposal, including a modification of physical placement or legal
9 custody.

10 8. An attached “Objection to Move” form, furnished by the court, for use by the
11 other parent if he or she objects to the move.

12 (c) The parent filing the motion shall serve a copy of the motion by mail on the
13 other parent at his or her most recent address on file with the court. If the parent
14 filing the motion has actual knowledge that the other parent has a different address
15 from the one on file, the motion shall be served by mail at both addresses.

16 (d) The requirement to file a motion under par. (a) does not apply if the child’s
17 parents already live more than 100 miles apart when a parent proposes to move and
18 relocate with the child.

19 **(2) INITIAL HEARING.** (a) Upon the filing of a motion under sub. (1) (a), the court
20 shall schedule an initial hearing to be held within 30 days after the motion is filed
21 and shall provide notice to the parents of the date of the initial hearing. The child
22 may not be relocated pending the initial hearing.

23 (b) If the court finds at the initial hearing that the parent not filing the motion
24 was properly served and does not appear at the hearing, or appears at the hearing
25 but does not object to the proposed relocation and relocation plan, the court shall

1 approve the proposed relocation plan submitted by the parent filing the motion
2 unless the court finds that the proposed relocation plan is not in the best interest of
3 the child.

4 (c) If the parent not filing the motion appears at the initial hearing and objects
5 to the relocation or relocation plan, the court shall do all of the following:

6 1. Require the parent who objects to respond by stating in writing within 5
7 business days, if he or she has not already done so, the basis for the objection and his
8 or her proposals for a new placement schedule and transportation responsibilities
9 under sub. (1) (b) 4. and 5. in the event that the court grants the parent filing the
10 motion permission to relocate with the child. The parent who objects must file the
11 response with the court and serve a copy of the response on the parent proposing the
12 relocation in the manner provided in s. 801.14 (2).

13 2. Refer the parties to mediation, unless the court finds that attending
14 mediation would cause undue hardship or endanger the health or safety of a party
15 as provided in s. 767.405 (8) (b).

16 3. Except as provided in s. 767.407 (1) (am), appoint a guardian ad litem for the
17 child. The court shall provide in the order for appointment, however, that if a
18 mediator is ordered under subd. 2. the guardian ad litem is not required to commence
19 investigation on behalf of the child unless the mediator notifies the court that the
20 parties are unable to reach an agreement on the issue.

****NOTE: I changed “Notwithstanding s. 767.407 (1)” to “Except as provided in s.
767.407 (1) (am).” Okay?

21 4. Set the matter for a further hearing to be held within 60 days.

22 **(3) RELOCATION PENDING FINAL HEARING.** (a) At the initial hearing, or at any time
23 after the initial hearing but before the final hearing, the court may allow the parent

1 proposing the relocation to move with the child if the court finds that the relocation
2 is in the child's immediate best interest. The court shall inform the parties, however,
3 that approval of the relocation is subject to revision at the final hearing.

4 (b) If a court commissioner makes a determination, order, or ruling regarding
5 relocation pending the final hearing, either party may seek a review by hearing de
6 novo under s. 757.69 (8). The motion requesting the de novo hearing must be filed
7 with the court within 10 days after the court commissioner orally issues the
8 determination, order, or ruling. The judge shall hold the de novo hearing within 30
9 days after the motion requesting the de novo hearing is filed, unless the court finds
10 good cause for an extension.

11 (4) STANDARDS FOR DECIDING RELOCATION MOTIONS. At the final hearing, the
12 judge shall decide the matter as follows:

13 (a) If the proposed relocation and new placement schedule only minimally
14 change or affect the current placement schedule, the court shall approve the
15 proposed relocation, set a new placement schedule if appropriate, and allocate the
16 costs of and responsibility for transportation of the child between the parties under
17 the new placement schedule.

18 (b) In cases other than that specified in par. (a), the court shall, in determining
19 whether to approve the proposed relocation and a new placement schedule, use the
20 following factors:

21 1. The factors under s. 767.41 (5).

22 2. A presumption that the court should approve the plan of the parent
23 proposing the relocation if the objecting parent has not significantly exercised
24 court-ordered physical placement.

1 3. A presumption that the court should approve the plan of the parent
2 proposing the relocation if the parent's move is related to abuse, as defined in s.
3 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
4 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
5 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

6 (c) If the objecting parent files a responsive motion that seeks a substantial
7 change in physical placement or a change in legal custody, the court shall, in deciding
8 the motion of the objecting parent, use the following factors:

9 1. The factors under s. 767.41 (5).

10 2. A presumption against transferring legal custody or the primary residence
11 of the child to a parent who has significantly failed to exercise court-ordered physical
12 placement.

13 3. A presumption that the court should approve the plan of the parent
14 proposing the relocation if the parent's move is related to abuse, as defined in s.
15 813.122 (1) (a), of the child, as defined in s. 813.122 (1) (b); a pattern or serious
16 incident of interspousal battery, as described under s. 940.19 or 940.20 (1m); or a
17 pattern or serious incident of domestic abuse, as defined in s. 813.12 (1) (am).

18 (d) The court shall decide all contested relocation motions and all motions for
19 modification of legal custody or physical placement filed in response to relocation
20 motions in the best interest of the child. Both parents bear the burden of proof in
21 contested relocation motions except in cases involving a presumption under par. (b)
22 2. or 3. or (c) 2. or 3. In cases involving a presumption under par. (b) 2. or 3. or (c) 2.
23 or 3., the parent objecting to the move shall have the burden of proof in
24 demonstrating the proposed move is not in the child's best interest.

1 (e) If the objecting parent files a responsive motion that seeks a substantial
2 change in physical placement or a change in legal custody, and the parent proposing
3 the relocation withdraws or otherwise fails to pursue his or her relocation motion or
4 the court does not allow the relocation, the court shall proceed on the objecting
5 parent's responsive motion under s. 767.451.

6 (5) STIPULATIONS. At any time after a motion is filed under sub. (1), if the parties
7 agree that one parent may move more than 100 miles away from the other parent,
8 the parties may file a stipulation with the court that specifies that neither parent has
9 any objection to the planned move and that sets out any agreed upon modification
10 to legal custody or periods of physical placement, including responsibility for
11 transportation of the child between the parties under a proposed new placement
12 schedule. The court shall incorporate the terms of the stipulation into an order for
13 the relocation or a revised order of legal custody or physical placement, as
14 appropriate, unless the court finds that the modification is not in the best interest
15 of the child.

16 (6) OTHER NOTICE REQUIRED FOR REMOVALS. Except as otherwise provided in an
17 order or judgment allocating periods of physical placement with a child, a person who
18 has legal custody of and periods of physical placement with the child shall notify any
19 other person who has periods of physical placement with the child before removing
20 the child from his or her primary residence for a period of more than 14 consecutive
21 days.

22 (7) APPLICABILITY. (a) The requirements and procedures under this section
23 apply to relocations with or removals of a child in any of the following cases:

24 1. Cases that are originally commenced on or after the effective date of this
25 subdivision [LRB inserts date].

1 2. Cases that were originally commenced before the effective date of this
2 subdivision ... [LRB inserts date], but in which a legal custody or physical placement
3 order is modified on or after the effective date of this subdivision ... [LRB inserts
4 date].

5 (b) Except as provided in par. (a) 2., the requirements and procedures under
6 s. 767.481, 2015 stats., apply to moves with or removals of a child in cases that were
7 originally commenced before the effective date of this paragraph ... [LRB inserts
8 date].

9 **SECTION 10.** 767.805 (4) (am) of the statutes is created to read:

10 767.805 (4) (am) The information set forth in s. 767.41 (6) (h).

11 **SECTION 11.** 767.89 (3) (bm) of the statutes is created to read:

12 767.89 (3) (bm) The information set forth in s. 767.41 (6) (h).

13 **SECTION 12. Initial applicability.**

14 (1) INFORMATION IN ORDERS REGARDING RELOCATIONS. The treatment of sections
15 767.41 (4) (d) and (6) (h), 767.805 (4) (am), and 767.89 (3) (bm) of the statutes first
16 applies to judgments or orders for legal custody of and physical placement with a
17 child that are granted in actions affecting the family, including actions to modify
18 judgments or orders previously granted, that are commenced on the effective date
19 of this subsection.

20 (2) MOTIONS TO RELOCATE WITH A CHILD. The treatment of sections 767.001 (1)
21 (k) and 767.225 (1) (bm) of the statutes first applies to motions to relocate with a child
22 that are filed in any of the following:

23 (a) Cases originally commenced on the effective date of this paragraph.

24 (b) Cases in which legal custody or physical placement is modified on the
25 effective date of this paragraph.

