
Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Senior Staff Attorney

June 16, 2021

2021 Wisconsin Act 37
[2021 Senate Bill 112]

**Factors for Custody or Physical
Placement of a Child**

BACKGROUND

Current law requires a court, when setting a schedule for the physical placement of a child, to set a schedule that allows a child to have regularly occurring, meaningful periods of physical placement with each parent. The schedule must also maximize the amount of time for a child with each parent. In determining a physical placement schedule, a court must, in each case, consider a statutory list of best-interest factors. The statutory list of best-interest factors also applies to determinations related to the legal custody of a child.

2021 WISCONSIN ACT 37

Under 2021 Wisconsin Act 37, if a court grants less than 25 percent of physical placement to one parent in a temporary or final order, the court must enter specific findings of fact as to the reason greater physical placement with that parent is not in the best interest of the child.

The act also reorganizes the statutory list of best-interest factors that a court must consider when determining legal custody or physical placement of a child and removes the following two considerations: (1) the stability in placement; and (2) the availability of child care services. The act specifies that the factors are not necessarily listed in order of importance.

Effective date: December 1, 2021. The act's provisions apply to physical placement orders issued on or after that date.

MS:mca;ty