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ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2007 ASSEMBLY BILL 309

May 31, 2007 - Offered by Representative Albers.

AN ACT to amend 767.405 (14) (b) of the statutes; relating to: submitting custody study reports to the parties and offering and admitting custody study reports in accordance with the rules of evidence.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce, if there is a minor child and the parties do not agree on legal custody or physical placement, the parties must be referred to mediation to attempt to resolve the contested issues. The court may order a person or entity designated by the county to conduct a legal custody or physical placement study to investigate such issues as the conditions of the child's home, the parties' performance of parental duties, and whether either party has engaged in domestic abuse. The report that results from the study is submitted to the court, with copies to the parties, and made a part of the record of the action unless the court orders otherwise. This substitute amendment requires that the report be submitted to the parties at least ten days before it is submitted to the court and that, if the report is to be made a part of the record, it be offered and received in accordance with the rules of evidence. Consequently, the parties would have the opportunity to question the person who conducted the study and made the

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report with respect to any statements, conclusions, or recommendations that the person includes in the report.

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

Section 1. 767.405 (14) (b) of the statutes is amended to read:

767.405 (14) (b) The person or entity investigating the parties under par. (a) shall complete the investigation and submit a report of the results to the court. The court shall make the results available to both parties person or entity completing the report shall submit a copy of the report to each of the parties at least 10 days before submitting the report to the court. If the report is to be made a part of the record, it shall be offered and received in accordance with the rules of evidence. The report shall be a part of the record in the action unless the court orders otherwise.

SECTION 2. Initial applicability.

(1) The treatment of section 767.405 (14) (b) (with respect to submitting legal custody and physical placement study reports to the parties at least 10 days before submitting the report to the court) of the statutes first applies to legal custody and physical placement study reports that are completed on the effective date of this subsection.

15 (END)