



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 368

Assembly Amendments 1 and 2

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ASSEMBLY AMENDMENT 1

Under **current law**, at any time during the pendency of an action affecting the family in which a minor child is involved and in which the court or circuit court commissioner (hereafter, “the court”) determines that it is appropriate and in the best interest of the child, the court, on its own motion, may order the parties to attend a program specified by the court concerning the effects on a child of a dissolution of the marriage (s. 767.115 (1) (a), Stats.). There is a comparable provision relating to paternity (s. 767.115 (1) (b), Stats.), providing that at any time during the pendency of a paternity action, the court may order either or both of the parties to attend a program providing training in parenting or coparenting skills, or both.

2003 Assembly Bill 368 changes current law to specify that during the pendency of an action affecting the family in which a minor child is involved, the court **shall** order the parties to attend a program specified by the court that provides instruction on or training **in any of the following** that the court determines is appropriate in the particular case: (1) the effects of divorce on a child; (2) working together in the best interest of the child; or (3) parenting or coparenting skills, or both. Because of these changes, the bill deletes the separate specific provision for paternity actions.

Assembly Amendment 1 specifies that this provision in the bill only applies to a paternity action “**after paternity has been adjudicated.**” As in the bill, for other actions affecting the family, the provision applies during the pendency of any such action in which a minor child is involved. The amendment also changes the term “parties” to “parents of the child” in this provision.

ASSEMBLY AMENDMENT 2

2003 Assembly Bill 368:

1. Specifies that during the pendency of an action affecting the family in which a minor child is involved, the court or circuit court commissioner (hereafter, “the court”) **shall** order the parties to attend a program specified by the court that provides instruction on or training in any of the areas specified in the bill that the court determines is appropriate in the particular case.
2. Creates a provision specifying that in the discretion of the court, the parties **shall not be required to attend such a program** if the court finds that attending such a program would cause undue hardship or endanger the health or safety of one of the parties.

Assembly Amendment 2 revises the provision in item 2 by creating two alternative actions the court may take after an “undue hardship” or “endangering safety” determination. The amendment specifies that if the court finds that attending such a program would cause undue hardship or endanger the health or safety of one of the parties, the court may, in its discretion: (a) waive the requirement to attend such a program; or (b) require the parties to attend separate sessions or separate programs.

LEGISLATIVE HISTORY

On February 5, 2004, the Assembly Committee on Family Law voted to recommend passage of Assembly Bill 368, as amended by Assembly Amendment 1 and 2 (which were both adopted on a vote of Ayes, 6, Noes, 0) on a vote of Ayes, 6, Noes, 0.

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