



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 309

**Assembly Substitute
Amendment 2**

Memo published: September 10, 2007

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Under *current law*, in an action affecting the family, such as a divorce, if the parties do not agree on legal custody or physical placement of a minor child, the family court must refer the parties to mediation to attempt to resolve 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 of 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.

Assembly Substitute Amendment 2 provides that the report of a legal custody or physical placement study must be offered and received in accordance with the rules of evidence. Under the substitute amendment, the report must be submitted to each of the parties at least 10 days before it is introduced into evidence and may not be submitted to the court before it is introduced into evidence.

Legislative History

Assembly Substitute Amendment 2 was offered by Representative Albers. The Assembly Committee on Children and Family Law unanimously recommended adoption of the substitute amendment and passage of the bill, as amended.

AS:ksm