



1997 ASSEMBLY BILL 270

April 11, 1997 - Introduced by Representatives HUBER, OURADA, GREEN, BOCK, ZIEGELBAUER, AINSWORTH, KELSO, GRONEMUS, MUSSER, STASKUNAS, BOYLE, POWERS, SERATTI, BRANDEMUEHL and LAZICH, cosponsored by Senators DECKER, RUDE, WELCH and HUELSMAN. Referred to Committee on Judiciary.

1 **AN ACT** *to amend* 767.115 (title) and 767.115 (1); and *to create* 767.115 (1) (b)
2 and 767.115 (3) of the statutes; **relating to:** ordering attendance at parenting
3 classes in paternity actions.

Analysis by the Legislative Reference Bureau

Under current law, a judge or family court commissioner may order the parties to an action affecting the family that involves a child to attend an educational program on the effects of divorce on children if the judge or family court commissioner determines that it is appropriate and in the best interest of the child. The judge or family court commissioner may even condition the granting of a final judgment or order in the action affecting the family on attendance at the program by the parties.

This bill provides that a judge or family court commissioner may order either or both of the parties to a paternity action, or an action affecting the family (such as an action for custody or to modify a judgment or order in an action affecting the family) for which the underlying action was a paternity action, to attend an educational program providing training in parenting or coparenting skills, or both, if the judge or family court commissioner determines that it is appropriate and in the best interest of the child. The parties to the paternity or related action are responsible for the cost of the program, however, the judge or family court commissioner may specifically assign responsibility for costs. No facts or information obtained in the course of the program, or report resulting from the program, is admissible in the paternity or related action. The judge or family court

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commissioner may condition the granting of the final judgment or order in the paternity or related action on attendance at the program. Finally, the bill specifies that a party who is ordered to attend an educational program or specifically assigned responsibility for costs, regardless of the type of action affecting the family in which the order is made, may be held in contempt of court for failure to obey the order. Contempt of court is punishable by payment of money, imprisonment for up to 6 months or any other sanction if the court determines that the specified sanctions would be ineffectual to terminate a continuing contempt of court.

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

1 **SECTION 1.** 767.115 (title) of the statutes is amended to read:

2 **767.115** (title) **~~Educational program on the effects of divorce on~~**
3 **~~children in action affecting the family.~~**

4 **SECTION 2.** 767.115 (1) of the statutes is amended to read:

5 767.115 **(1)** (a) At any time during the pendency of an action affecting the family
6 in which a minor child is involved and in which the court or family court
7 commissioner determines that it is appropriate and in the best interest of the child,
8 the court or family court commissioner, on its own motion, may order the parties to
9 attend a program specified by the court or family court commissioner concerning the
10 effects on a child of a dissolution of the marriage.

11 **(1m)** A program under ~~this subsection~~ sub. (1) shall be educational rather than
12 therapeutic in nature and may not exceed a total of 4 hours in length. The parties
13 shall be responsible for the cost, if any, of attendance at the program. The court or
14 family court commissioner may specifically assign responsibility for payment of any
15 cost. No facts or information obtained in the course of the program, and no report
16 resulting from the program, is admissible in any action or proceeding.

17 **SECTION 3.** 767.115 (1) (b) of the statutes is created to read:

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1 767.115 (1) (b) At any time during the pendency of an action to determine the
2 paternity of a child, or an action affecting the family for which the underlying action
3 was an action to determine the paternity of a child, if the court or family court
4 commissioner determines that it is appropriate and in the best interest of the child,
5 the court or family court commissioner, on its own motion, may order either or both
6 of the parties to attend a program specified by the court or family court commissioner
7 providing training in parenting or coparenting skills, or both.

8 **SECTION 4.** 767.115 (3) of the statutes is created to read:

9 767.115 (3) A party who fails to attend a program ordered under sub. (1) or pay
10 costs specifically ordered under sub. (1m) may be proceeded against under ch. 785
11 for contempt of court.

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(END)