



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2944/1
EAW:amn

2021 ASSEMBLY BILL 313

May 7, 2021 - Introduced by Representatives THIESFELDT, WICHGERS, ARMSTRONG, BRANDTJEN, JAMES, KNODL, KRUG, ROZAR and TUSLER, cosponsored by Senator JACQUE. Referred to Committee on Family Law.

1 **AN ACT** *to repeal* 767.451 (5m) (c); *to renumber* 767.41 (5) (c); *to amend* 767.41
2 (2) (e) 1. and 767.451 (5m) (a); and *to create* 767.41 (5) (c) 2. of the statutes;
3 **relating to:** legal custody and physical placement factors for a child of a service
4 member.

Analysis by the Legislative Reference Bureau

Under current law, in determining the legal custody of a child, a court may not consider whether a service member has been or may be called into active duty and consequently is or may be absent from his or her home. Under current law, "service member" is defined as a member of the national guard or a reserve unit of the U.S. armed forces. Under this bill, "service member," for the purposes of determining legal custody and physical placement of a child adds a member of the U.S. armed forces or forces incorporated in the U.S. armed forces to the definition.

This bill also prohibits a court from denying a parent who is a service member periods of physical placement with his or her child based on past or future anticipated variability in his or her schedule, living arrangements, or location due to service in the military.

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

5 **SECTION 1.** 767.41 (2) (e) 1. of the statutes is amended to read:

