

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-4699/1 SWB:wlj

2021 SENATE BILL 603

October 8, 2021 – Introduced by Senators BALLWEG, MARKLEIN, JOHNSON and ROYS, cosponsored by Representatives J. RODRIGUEZ, SNYDER, DOYLE, BILLINGS, CABRERA, DITTRICH, DUCHOW, KUGLITSCH, TUSLER and SINICKI. Referred to Committee on Judiciary and Public Safety.

1 AN ACT to amend 757.69 (1) (p) 1. of the statutes; relating to: allowing a court

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commissioner to address stipulated final legal separation hearings.

Analysis by the Legislative Reference Bureau

This bill extends the authority of a court commissioner to preside over a final hearing in an action for legal separation under certain circumstances. Under current law, a court commissioner may preside over a final hearing to determine whether a judgment of divorce will be granted if both parties to the action state that the marriage is irretrievably broken and that the parties have resolved all material issues or if one party does not participate in the divorce action. This bill extends that authority to actions for legal separation. Under the bill, the court commissioner may preside over a final hearing to determine if a judgment of legal separation will be granted if both parties to the action state that the marital relationship is broken and that the parties have resolved all material issues. The court commissioner may also preside over any hearing held to determine whether a judgment of legal separation will be granted when one party does not participate in the action. Under current law, a court commissioner may proceed to grant and enter judgment in an action for divorce over which the commissioner has presided unless the commissioner does not approve of an agreement between the parties on material issues. Under the bill, a court commissioner may exercise that same authority in an action for legal separation.

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

2021 - 2022 Legislature

SENATE BILL 603

1 **SECTION 1.** 757.69 (1) (p) 1. of the statutes is amended to read: $\mathbf{2}$ 757.69 (1) (p) 1. Preside at any hearing held to determine whether a judgment 3 of divorce or legal separation shall be granted, if both parties to a divorce action state 4 that the marriage is irretrievably broken, or if both parties to a legal separation $\mathbf{5}$ action state that the marital relationship is broken, and that all material issues. including but not limited to division of property or estate, legal custody, physical 6 7 placement, child support, spousal maintenance and family support, are resolved or. A court commissioner may also preside at any hearing held to determine whether a 8 9 judgment of divorce or legal separation shall be granted if one party does not 10 participate in the action for divorce or legal separation. A circuit court commissioner 11 may grant and enter judgment in any action over which he or she presides under this 12subdivision unless the judgment modifies an agreement between the parties on 13material issues. If the circuit court commissioner does not approve an agreement 14 between the parties on material issues, the action shall be certified to the court for trial. 15

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(END)