



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0411/P1
SWB:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 767.41 (1m) (g) and 767.41 (1m) (n); and **to amend** 767.405 (8)
2 (c), 767.41 (1m) (intro.) and 767.41 (1m) (d) of the statutes; **relating to:**
3 proposed parenting plans in certain actions affecting the family.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

4 **SECTION 1.** 767.405 (8) (c) of the statutes is amended to read:
5 767.405 (8) (c) The initial session under par. (a) shall be a screening and
6 evaluation mediation session to determine whether mediation is appropriate and
7 whether both parties wish to continue in mediation. At the initial session, the
8 mediator shall review discuss with each of the parties ~~the nonfinancial provisions~~
9 ~~that must be~~ information included in the proposed parenting plan plans under s.
10 767.41 (1m).

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

2 767.41 (1m) PARENTING PLAN. (intro.) Unless the court orders otherwise, in an
3 action for annulment, divorce, or legal separation, an action to determine paternity,
4 or an action under s. 767.001 (1) (e), 767.501, or 767.805 (3), in which legal custody
5 or physical placement is contested, a party seeking sole or joint legal custody or
6 periods of physical placement shall file a proposed parenting plan with the court if
7 the court waives the requirement to attend mediation under s. 767.405 (8) (b) or if
8 the parties attend have attended mediation and the mediator notifies the court
9 under s. 767.405 (12) (b) that the parties have not reached an agreement. If the
10 parties to an action described in this subsection are required to participate in an
11 initial session of mediation under s. 767.405 (8), the parties shall exchange proposed
12 parenting plans and each party shall submit a copy of that party's proposed
13 parenting plan to the director of family court services for the county in which the
14 action is pending. Unless the court orders otherwise, the proposed parenting plan
15 shall be filed within 60 days after the court waives the mediation requirement or the
16 mediator notifies the court that no agreement has been reached or, for parties
17 participating in the initial session of mediation under s. 767.405 (8), shall be
18 exchanged and submitted to the director of family court services at least 10 days
19 before the initial mediation session. Except for cause shown, a party required to file
20 a proposed parenting plan under this subsection who does not timely file a proposed
21 parenting plan waives the right to object to the other party's parenting plan. A
22 proposed parenting plan shall provide information about the following questions:

 ***NOTE: The text of this draft includes a requirement that parties required to participate in mediation file a proposed parenting plan at least 10 days before the initial mediation session. The committee could choose the language included or choose another alternative. For example, the committee could choose one of the following options, shown here with proposed amended language without striking or scoring:

