



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0659/P2
EAW:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 767.41 (4) (a) 2.; and *to create* 767.41 (5) (am) 5m. of the
2 statutes; **relating to:** a presumption that equalizing physical placement to the
3 highest degree is in the child's best interest.

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.** 767.41 (4) (a) 2. of the statutes is amended to read:
5 767.41 (4) (a) 2. In determining the allocation of periods of physical placement,
6 the court shall ~~consider each case on the basis of the factors in sub. (5) (am), subject~~
7 ~~to sub. (5) (bm).~~ presume that a placement schedule that allows
8 the child to have regularly occurring, meaningful periods of physical placement with
9 each parent and that ~~maximizes~~ equalizes to the highest degree the amount of time

1 the child may spend with each parent, ~~taking into account geographic separation and~~
2 ~~accommodations for different households~~ is in the best interest of the child. The
3 presumption under this subdivision is rebutted if the court finds by a preponderance
4 of the evidence, after considering all of the factors in sub. (5) (am), subject to sub. (5)
5 (bm), that equalizing physical placement to the highest degree would not be in the
6 child's best interest.

7 **SECTION 2.** 767.41 (5) (am) 5m. of the statutes is created to read:

8 767.41 (5) (am) 5m. The geographic separation of the parties.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to actions or proceedings that are commenced on the
11 effective date of this subsection.

12 (END)