



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0659/1
EAW:amn

2019 BILL

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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Child Placement and Support. Generally, the bill revises the standard that applies in determining or revising a physical placement schedule and requires a court to presume that equalizing placement to the highest degree is in a child's best interest.

Under current law, a court must set a physical placement schedule that allows a child to have regularly occurring, meaningful periods of physical placement and that maximizes the amount of time for a child with each parent. The Wisconsin Supreme Court has stated that this standard does not require equal placement for a child with both parents. [Landwehr v. Landwehr, 2006 WI 64.] Also, in determining a physical placement schedule, a court must, in each case, consider a statutory list of best-interest factors.

The bill removes that standard and specifies, in its place, that a court must presume that equalizing a placement schedule to the highest degree of time with each parent is in a child's best interest. The presumption is rebutted if a court finds by clear,

