



## 2021 SENATE BILL 197

March 10, 2021 - Introduced by Senator JACQUE, cosponsored by Representatives THIESFELDT, WICHGERS, ARMSTRONG, BRANDTJEN, JAMES, KNODL, KRUG, ROZAR and TUSLER. Referred to Committee on Veterans and Military Affairs and Constitution and Federalism.

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.

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### *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.

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*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:

