



State of Wisconsin
2023 - 2024 LEGISLATURE

LRBs0116/1
SWB:cjs

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 291**

October 3, 2023 - Offered by Representative DUCHOW.

1 **AN ACT to repeal** 765.03 (2), 765.09 (1) (b), 765.21 (2) and 767.401 (1) (d); **to**
2 **renumber** 765.03 (1) and 765.09 (1) (a); **to renumber and amend** 767.401 (1)
3 (a); **to consolidate, renumber and amend** 765.21 (intro.) and (1); **to amend**
4 765.03 (title), 767.35 (3) and 767.401 (1) (b); and **to create** 767.401 (1) (a) 2. and
5 3. of the statutes; **relating to:** waiting period for marriage after divorce
6 judgment and mandatory parenting classes.

Analysis by the Legislative Reference Bureau

This bill eliminates the prohibition against a person marrying for six months after the grant of that person's judgment of divorce. Under current law, a person who was married and party to a divorce action in this or another state may not marry again until six months after a judgment of divorce is granted. This bill eliminates the waiting period.

Also, under current law, in an action affecting the family in which a minor child is involved, a court may order one or both of the parties to attend parenting classes if the court determines that it is appropriate and in the best interest of the child. The bill requires the parties to attend parenting classes in an action affecting the family, other than a paternity action, in which a minor child is involved. Under the bill, a

court may waive this requirement for good cause or if a parent has attended a parenting class during the course of the action affecting the family or has attended a parenting class within the six months preceding the filing of the action.

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

1 **SECTION 1.** 765.03 (title) of the statutes is amended to read:

2 **765.03 (title) Who shall not marry; divorced persons.**

3 **SECTION 2.** 765.03 (1) of the statutes is renumbered 765.03.

4 **SECTION 3.** 765.03 (2) of the statutes is repealed.

5 **SECTION 4.** 765.09 (1) (a) of the statutes is renumbered 765.09 (1).

6 **SECTION 5.** 765.09 (1) (b) of the statutes is repealed.

7 **SECTION 6.** 765.21 (intro.) and (1) of the statutes are consolidated, renumbered
8 765.21 and amended to read:

9 **765.21 Unlawful marriages void; validation.** All marriages hereafter
10 contracted in violation of ss. 765.02, 765.03, 765.04, and 765.16 shall be void, except
11 as provided in ss. 765.22 and 765.23. The parties to any such marriage may validate
12 the marriage by complying with the requirements of ss. 765.02 to 765.24 as follows:
13 ~~(1) At~~ at any time, if the marriage is declared void under s. 765.02 or 765.16.

14 **SECTION 7.** 765.21 (2) of the statutes is repealed.

15 **SECTION 8.** 767.35 (3) of the statutes is amended to read:

16 **767.35 (3) WHEN DIVORCE JUDGMENT EFFECTIVE.** A judgment of divorce is
17 effective when granted. ~~A court granting a judgment of divorce shall inform the~~
18 ~~parties appearing in court that the judgment is effective when granted but that it is~~
19 ~~unlawful under s. 765.03 (2) for a party to marry again until 6 months after the~~

1 judgment is granted. This section does not prevent application of enforceable orders
2 prior to the divorce judgment as set forth in s. 767.333.

3 **SECTION 9.** 767.401 (1) (a) of the statutes is renumbered 767.401 (1) (a) 1. and
4 amended to read:

5 767.401 (1) (a) 1. ~~During the pendency of~~ Except as provided under subd. 4. and
6 par. (b), no later than 60 days after service of the summons and petition upon the
7 respondent or no later than 60 days after filing the joint petition initiating an action
8 affecting the family in which a minor child is involved and in which the court
9 determines that it is appropriate and in the best interest of the child, the court, on
10 its own motion, may order, the parties to shall attend a program specified by the court
11 concerning the effects on a child of a dissolution of the marriage.

12 4. If the court orders the parties to attend a program under this paragraph and
13 there is evidence that one or both of the parties have engaged in interspousal battery,
14 as described in s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12
15 (1) (am), the court may not require the parties to attend the program under subd. 1.
16 together or at the same time.

17 **SECTION 10.** 767.401 (1) (a) 2. and 3. of the statutes are created to read:

18 767.401 (1) (a) 2. Notwithstanding s. 767.35 (1), and except as provided under
19 subd. 3., the court shall require attendance at a program under subd. 1. as a condition
20 to the granting of a final judgment or order in the action affecting the family.

21 3. The court may waive the requirement for a party to attend a program under
22 subd. 1. for good cause or if the court finds that any of the following applies:

23 a. The party completed a program that satisfies the requirements of subd. 1.
24 no more than 6 months prior to service of the summons and petition upon the

1 respondent or no more than 6 months prior to the filing of a joint petition initiating
2 an action affecting the family.

3 b. The current action is to enforce or modify an order or judgment in an action
4 affecting the family for which the party has previously attended a program under
5 subd. 1.

6 **SECTION 11.** 767.401 (1) (b) of the statutes is amended to read:

7 767.401 (1) (b) During the pendency of an action to determine the paternity of
8 a child, or an action affecting the family for which the underlying action was an
9 action to determine the paternity of a child, if the court determines that it is
10 appropriate and in the best interest of the child, the court, on its own motion, may
11 order either or both of the parties to attend a program specified by the court providing
12 training in parenting or coparenting skills, or both. The court may require
13 attendance in a program under this paragraph as a condition to the granting of a
14 final judgment or order.

15 **SECTION 12.** 767.401 (1) (d) of the statutes is repealed.

16 **SECTION 13. Initial applicability.**

17 (1) The treatment of s. 767.401 (1) (b) and (d), the renumbering and amendment
18 of s. 767.401 (1) (a), and the creation of s. 767.401 (1) (a) 2. and 3. first apply to an
19 action affecting the family filed on the effective date of this subsection.

20 (END)