



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-2303/1

SWB:skw

2025 ASSEMBLY BILL 123

March 11, 2025 - Introduced by Representatives GOEBEN, KNODL, WICHGERS, BROOKS, ARMSTRONG and MURSAU, cosponsored by Senator JACQUE. Referred to Committee on Children and Families.

AN ACT *to amend* 767.117 (1) (c), 767.215 (2) (j) 1., 767.41 (6) (h) 3., 767.481 (1)

(a), 767.481 (1) (d) and 767.481 (5); *to create* 767.001 (1fm) of the statutes;

relating to: calculation of miles for purposes of relocation of a child 100 miles or more from the other parent in an action affecting the family.

Analysis by the Legislative Reference Bureau

Under current law, a parent granted periods of physical placement with a child in an action affecting the family must obtain a court order if the parent intends to relocate and reside with the child 100 miles or more from the other parent if the other parent also has court-ordered periods of physical placement with the child. Also under current law, during the pendency of an action affecting the family, parties are generally prohibited from relocating and establishing a residence with a minor child of the parties that is more than 100 miles from the residence of the other party, if the party does not have consent of the other party or an order of the court. The requirement to obtain a court order allowing relocation does not apply if the parents already live more than 100 miles apart when a parent proposes to relocate and reside with the child, but in that situation, the parent who intends to relocate with the child must serve written notice of the intent to relocate on the other parent at least 60 days before relocation.

This bill adds an express requirement that the 100-mile distance for purposes of these provisions must be calculated as “driving miles,” defined in the bill to mean

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the actual distance traveling by road required to get from one location to another rather than the straight-line distance between those locations.

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

SECTION 1. 767.001 (1fm) of the statutes is created to read:

767.001 (1fm) “Driving miles” means the actual distance traveling by road required to get from one location to another.

SECTION 2. 767.117 (1) (c) of the statutes is amended to read:

767.117 (1) (c) Unless the action is one under s. 767.001 (1) (g) or (h), without the consent of the other party or an order of the court, relocating and establishing a residence with a minor child of the parties more than 100 driving miles from the residence of the other party, removing a minor child of the parties from the state for more than 90 consecutive days, or concealing a minor child of the parties from the other party.

SECTION 3. 767.215 (2) (j) 1. of the statutes is amended to read:

767.215 (2) (j) 1. Relocating and establishing a residence with a minor child of the parties more than 100 driving miles from the residence of the other party.

SECTION 4. 767.41 (6) (h) 3. of the statutes is amended to read:

767.41 (6) (h) 3. That a parent granted periods of physical placement with the child must obtain a court order before relocating with the child 100 driving miles or more from the other parent if the other parent also has court-ordered periods of physical placement with the child.

SECTION 5. 767.481 (1) (a) of the statutes is amended to read:

767.481 (1) (a) Except as provided in par. (d), if the court grants any periods of

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physical placement with a child to both parents and one parent intends to relocate and reside with the child 100 driving miles or more from the other parent, the parent who intends to relocate and reside with the child shall file a motion with the court seeking permission for the child's relocation.

SECTION 6. 767.481 (1) (d) of the statutes is amended to read:

767.481 (1) (d) The requirement to file a motion under par. (a) does not apply if the child's parents already live more than 100 driving miles apart when a parent proposes to relocate and reside with the child. If the parents already live more than 100 driving miles apart, the parent who intends to relocate with the child shall serve written notice of his or her intent to relocate on the other parent at least 60 days before relocation. Such written notice shall include the date on which the parent intends to relocate and the parent's new address.

SECTION 7. 767.481 (5) of the statutes is amended to read:

767.481 (5) STIPULATIONS. At any time after a motion is filed under sub. (1), if the parties agree that one parent may relocate more than 100 driving miles away from the other parent, the parties may file a stipulation with the court that specifies that neither parent has any objection to the planned relocation and that sets out any agreed upon modification to legal custody or periods of physical placement, including responsibility and costs for transportation of the child between the parties under a proposed new placement schedule. The court shall incorporate the terms of the stipulation into an order for the relocation or a revised order of legal custody or physical placement, as appropriate, unless the court finds that the modification is not in the best interest of the child.

(END)