

# State of Wisconsin



2021 Senate Bill 107

Date of enactment: **May 21, 2021**  
Date of publication\*: **May 22, 2021**

## 2021 WISCONSIN ACT 36

AN ACT *to repeal* 767.41 (1m) (g) and 767.41 (1m) (n); *to amend* 767.405 (8) (c) and 767.41 (1m) (intro.); and *to create* 767.405 (8) (d) and 767.41 (1m) (cm) of the statutes; **relating to:** proposed parenting plans in certain actions affecting the family.

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

**SECTION 1.** 767.405 (8) (c) of the statutes is amended to read:

767.405 (8) (c) The initial session under par. (a) shall be a screening and evaluation mediation session to determine whether mediation is appropriate and whether both parties wish to continue in mediation. At the initial session, the mediator shall review discuss with each of the parties ~~the nonfinancial provisions that must be information included in the proposed parenting plan plans~~ under s. 767.41 (1m).

**SECTION 2.** 767.405 (8) (d) of the statutes is created to read:

767.405 (8) (d) At least 10 days before the initial mediation session, each party shall submit a proposed parenting plan containing all the information required under s. 767.41 (1m) to the director of family court services for the county in which the action is pending or the assigned mediator. The parties may exchange proposed parenting plans before the initial mediation session. For purposes of the exchange and submission under this paragraph, a party may provide a copy of the party's proposed parenting plan electronically.

**SECTION 3.** 767.41 (1m) (intro.) of the statutes is amended to read:

767.41 (1m) PARENTING PLAN. (intro.) Unless the court orders otherwise, in an action for annulment, divorce, or legal separation, an action to determine paternity, or an action under s. 767.001 (1) (e), 767.501, 767.804 (2), or 767.805 (3), in which legal custody or physical placement is contested, a party seeking sole or joint legal custody or periods of physical placement shall file a proposed parenting plan with the court if the court waives the requirement to attend mediation under s. 767.405 (8) (b) or if the parties attend have attended mediation and the mediator notifies the court under s. 767.405 (12) (b) that the parties have not reached an agreement. Unless the court orders otherwise, the proposed parenting plan shall be filed within 60 days after the court waives the mediation requirement or the mediator notifies the court that no agreement has been reached. Except for cause shown, a party required to file a proposed parenting plan under this subsection who does not timely file a proposed parenting plan waives the right to object to the other party's parenting plan. A proposed parenting plan shall provide information about the following questions:

**SECTION 3.** 767.41 (1m) (cm) of the statutes is created to read:

767.41 (1m) (cm) With specific detail, what proposed variable costs are expected to be incurred by or on behalf of the child.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 4.** 767.41 (1m) (g) of the statutes is repealed.

**SECTION 5.** 767.41 (1m) (n) of the statutes is repealed.

**SECTION 6. Initial applicability.**

(1) This act first applies to actions filed on the effective date of this subsection.

