

Jeff Mursau

STATE REPRESENTATIVE • 36TH ASSEMBLY DISTRICT

Assembly Committee on Family Law
AB 209- Co-Parenting Education Classes

September 24, 2019

Chairwoman Rodriguez and Committee Members -

Thank you for the opportunity to testify in support of Assembly Bill 209, related to parenting classes in an action affecting the family.

Last session, I met with Wisconsin Fathers for Children and Families and we discussed ideas of how we can best support children when their parents are going through a divorce. The group suggested making co-parenting classes a requirement as a condition of a court granting final judgement. Currently, family courts may require the class before making a final judgement, but it's not a requirement. After seeing the data and hearing testimonials from families who were court-ordered to attend the classes, I felt introducing this bill is a small, but positive step we can take to help families and kids transition into their new reality.

Divorce is difficult for everyone because it usually involves a lot of emotion, which can be painful to sort through. According to the UW Extension, more than 14,000 children every year experience their parents' divorce or separation. Effects on the minor children can include decline in school performance, behavioral problems, anxiety and depression. The purpose of the class is to encourage a positive and healthy relationship with the other parent so that there is less stress on the child.

The majority of counties in Wisconsin already require a parenting class before issuing final judgement. This bill would simply make it mandatory in ALL counties in Wisconsin.

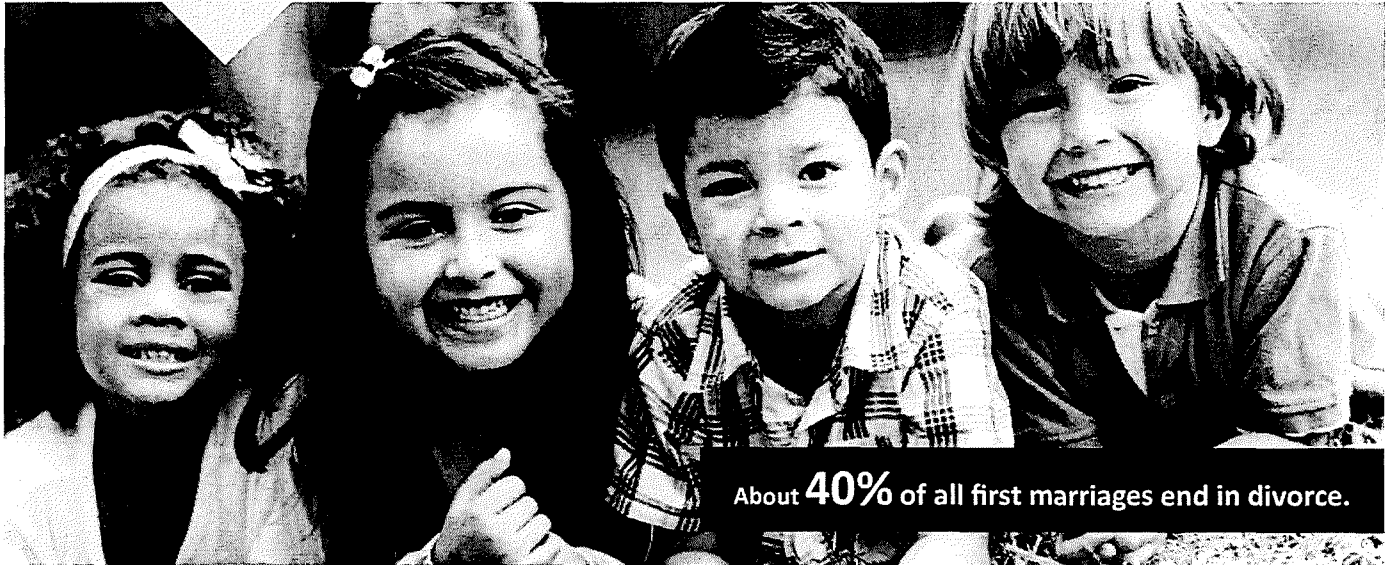
It's important to point out that the bill doesn't mandate a specific class. After talking to counties that require the 4-hour class, we found that there is a lot of flexibility for parents. Some counties make local classes available to parents. UW Extension offers classes online, which makes it easy for a parent to complete the class at a time that is convenient for them.

We have introduced an amendment to the bill after getting feedback from the Child Support Enforcement Agency. They were concerned that extending the requirement to paternity cases could slow down the establishment of paternity and that wasn't our intent. The amendment simply removes that section and maintains current law that a judge MAY require the parties to attend a parenting class.

Surveys from those who participated in the UW Extension program found that 93% of participants felt that they are less likely to argue with the child's parent in front of their child and 91% said they are more likely to cooperate with their child's other parent as a result of the class. Additionally, nine out of 10 participants thought the class should be required for all divorcing and separating parents.

Once again, thank you for holding a public hearing on this important piece of legislation. I am happy to answer any questions you may have.

Supporting Children when Parents Divorce or Separate: Family Living Programs Impact Report



About **40%** of all first marriages end in divorce.

The Challenge

Each year, more than 14,000 Wisconsin children experience their parents' divorce or separation. Families in transition can experience enormous amounts of stress resulting from separate living arrangements, increased financial burden, and new relationships. Exposure to parental stress and conflict is the single biggest factor affecting children as they transition from one household to two.

Problems brought on by parental disagreements can appear in different ways: decline in school performance, behavior problems, anxiety and depression. Even after a divorce or separation is over, the parents' relationship continues to affect their children. When parents argue in front of their children, or say bad things about the other parent, children suffer.

The good news is research has identified specific skills parents need to make their co-parenting relationship cooperative. Parents can smooth the transition by learning how divorce and separation affect children. By practicing ways to decrease conflict, parents can improve the chances that their children will thrive, despite temporary setbacks caused by divorce.

Wisconsin's family courts have the authority to order divorcing parents to complete up to four hours of co-parenting education. According to the law (1999 Wisconsin Act 9, 767.115), the courts may order classes that address what parents can do to make raising a child in a separated situation less stressful for the child.

The Solution

For the last two decades, UW-Extension's Family Living educators have been working with family court officials to provide education for divorcing or separating parents with minor children. The educators teach parents the skills to support themselves and their children through this time of change.

The educators help parents learn to prevent children from witnessing parental conflict, avoid putting children in the middle, improve communication and support the role of the other parent in the child's life. Educators also review the benefits and details of having a "parenting plan" including the need to review the plan as the children grow.

**"Stay civil and
get along. The kids
are number one."**

-Fond du Lac County parent

The Results

In the last year more than **1,700 parents in 24 Wisconsin counties** attended UW-Extension co-parenting programs. Parents indicate the classes are more useful than other sources of co-parenting information they have access to, including relatives and legal services.

Evaluations find that parents are learning the specific skills emphasized in the course, such as how to make decisions with the best interest of the children in mind, how to improve communication, and how to avoid putting children in the middle of parental disagreements.

Co-parenting education offers parents the skills to support their children while building healthy relationships with their children and encouraging positive relationships with the other parent.



Healthy relationships help children thrive.

93%

of the participants report that they are **less likely to argue with their child's other parent in front of their child** as a result of class.

91%

of the participants report that they are **more likely to cooperate with their child's other parent on parenting issues** as a result of class.

9 out of **10**

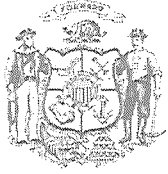
Participants thought this class should be required for all divorcing or separating parents.

"At this class, I realized the importance of having their father take part more often in their lives so I'm more open to joint custody with more communication." -Manitowoc County Parent

"It has made me aware that I had to stop and take into consideration the effects my actions have on my child and to take a moment to figure out what is really best for the child."

-Columbia County parent

For more information contact your county UW-Extension Family Living Educator
or visit <http://blogs.ces.uwex.edu/co-parenting/>



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3312

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol - P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Family Law
State Senator André Jacque
September 24, 2019*

Madam Chair Rodriguez and Committee Members,

Thank you for holding this hearing and the opportunity to testify in support of Assembly Bill 209, which is focused on promoting positive co-parenting to help mitigate the stress and trauma felt by children during and after the divorce process. I am pleased to join Rep. Mursau in bringing forward this sensible reform.

Assembly Bill 209 modifies the current Wisconsin State Statute regarding Co-Parenting Education Requirements. Under current law, courts have discretion on whether to require a parenting class in an action affecting the family. Under this bill, completion of a co-parenting class would be mandatory prior to the court granting final judgement or order, although a court would be able to waive the requirement to take a class if it's inappropriate or impractical for a party to complete the program (such as if one parent is incarcerated, or one parent resides in another state or another country). The court would also be able to waive the requirement if the party has previously completed a program.

The majority of counties in Wisconsin already require parents to take a class. Studies have shown that shared parenting is linked to better outcomes for children of all ages. Classes are generally a one-time, 4-hour class focused on the effects of dissolution and provide information on positive co-parenting skills. Online classes are available (including through UW Extension) that would fulfill the education requirement.

Most of the parents who've been court-ordered to attend have felt the class was worth the time and effort. According to the UW Extension, in Columbia County alone, 90% of the 189 participants were court-ordered, yet 93% agreed or strongly agreed that "the program was a good use of their time". When children are the focus of their parent's attention, they are less likely to feel neglected or blame themselves for their parents' divorce.

Thank you for your consideration of Assembly Bill 209.

FAMILY LAW SECTION

To: Members, Assembly Family Law Committee
From: Family Law Section, State Bar of Wisconsin
Date: September 24, 2019
Re: AB 209– mandatory parenting class

The Family Law section opposes AB 209 regarding mandatory parenting classes. The Family Law section board members do not believe this is a widespread problem throughout the state that needs to be addressed legislatively. In addition, members have a longstanding tradition of opposing legislation that removes judicial discretion.

More specific to the language of the bill, there are concerns about the bill's standard of “inappropriate or impracticable” in order to obtain a waiver for the mandatory requirement and that attending the program by both parents is a condition precedent to granting a final judgment of divorce. The terms “inappropriate or impracticable” are vague and it is unclear how they would apply to a judge’s decision to waive the mandatory requirement. Family Law section members noted that mandatory attendance gives a tool to a party who wants to delay the divorce proceedings or does not want the divorce further causing litigation and between the parents and inefficiency in the courts.

Another consideration if this mandate were to become law is poverty. There are several issues with mandatory parenting classes that would disproportionately and negatively impact lower income parents, even if the attendance fee is waived, such as the hardship to miss work in order to attend, find daycare for their child(ren), etc.

Finally, the bill requires a parenting class for an action affecting the family in a program concerning the effects on a child of a dissolution of the marriage. In an action to determine paternity (which is also an action affecting the family) the bill requires the parties attend a program providing training in parenting or co-parenting skills, or both, and these programs are not a condition precedent to the granting of a of a final judgment. It is unclear why the education program be a condition precedent to the granting of a divorce judgment but give the court discretion in paternity cases, as well as the education requirements being different.

For these reasons, the State Bar’s Family Law Section opposes AB 209.

For more information, please do not hesitate to contact our Government Relations Coordinator, Lynne Davis, ldavis@wisbar.org or 608.852.3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



STATE BAR OF WISCONSIN



201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-422-7000
Fax: 608-422-7161

Governor Tony Evers
Secretary Emilie Amundson

Secretary's Office

TO: Honorable Members of Assembly Committee on Family Law
FROM: Phyllis Fuller, Bureau of Child Support
DATE: September 24, 2019
SUBJECT: 2019 Assembly Bill 209

Good Morning Representative Rodriguez and Members of the Committee:

My name is Phyllis Fuller and I am a Policy Analyst with the Bureau of Child Support in the Department of Children and Families (DCF). DCF is responsible for administering the Child Support program in Wisconsin. I am here to testify in opposition to AB 209.

Child support agencies across the state are actively engaging noncustodial parents in activities, including, in some cases, parenting classes. This engagement is in service to DCF's mission of supporting thriving families and communities. Specifically, Wisconsin is participating in a five-county demonstration project to help non-custodial parents overcome barriers that prevent them from providing steady financial and emotional support, increase connections to their children, and find employment.

Current law allows judicial discretion in determining when parents should be ordered to take a parenting class in an action affecting the family in which a minor child is involved or in an action to determine paternity. AB 209 would require, with limited exceptions, attendance at parenting classes as a condition of granting a final judgment or order in all actions affecting the family, including paternity actions.

Requiring couples to take a parenting course prior to the court entering a final judgment may delay paternity and financial support establishment for the child indefinitely, particularly in situations where a party fails to attend a class. The

requirement may also have a disproportionately negative impact on lower income parents who may need to miss work to attend a class or find day care for their children.

Additionally, requiring attendance at a parenting class prior to the adjudication of paternity imposes a requirement on a party who may not ultimately be determined to have any legal rights as a parent. It is unclear whether parenting classes are available throughout the state and it is unlikely that the current curriculum addresses the needs of parties in paternity actions who have never resided together with their children. The discretion currently afforded the court to determine whether to require attendance at parenting classes ensures that the judge can assess the value attendance at those classes may have for the parties.

Passage of AB 209 may impact Wisconsin's ability to compete for federal incentive funding. The State child support program must also meet federal timelines for establishing paternity and support. Federal performance-based funding is awarded to states based on their paternity and support establishment rates within those timelines.

At a minimum, the requirement to attend parenting classes in paternity cases should only be post-adjudication and not a condition of paternity establishment. In support establishment cases, the entry of a support order should not be conditioned on a requirement to attend parenting classes.

DCF supports the amendment introduced by Representative Mursau. Adopting this amendment, which states that the court may order classes if it is appropriate and in the best interest of the child, would address DCF's concerns with this legislation.

Thank you for the opportunity to testify.