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# Wisconsin Legislative Council

## ACT MEMO

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**2021 Wisconsin Act 36**  
[2021 Senate Bill 107]

**Proposed Parenting Plans in  
Family Court Actions**

### BACKGROUND

Wisconsin law generally requires that, in family court cases in which legal custody or physical placement is contested, the parties attend at least one mediation session, subject to certain exceptions. If mediation fails or has been waived, the parties must each file a parenting plan with the court within 60 days of the court's waiver or of the court being notified that the parties did not reach a mediated agreement. The parenting plan must provide certain information, such as what legal custody or physical placement the parent is seeking, where the parent lives currently and intends to live during the next two years, where the parent works and the hours of employment, who will provide and pay for any necessary child care, and where the child will go to school, among other categories of information.

### 2021 WISCONSIN ACT 36

2021 Wisconsin Act 36 requires parties participating in an initial mediation session to submit their proposed parenting plans to the mediator at least 10 days before the initial mediation session. The parties may also exchange proposed parenting plans with each other before the initial mediation session. The act maintains the requirement described above that the parties each file a proposed parenting plan with the court if no agreement was reached in mediation or if mediation was waived.

The act also modifies the required content of a proposed parenting plan. Specifically, the act repeals requirements that a proposed parenting plan include information about anticipated child support, family support, maintenance, or other income transfers, and payment of a child's medical expenses. The act adds a requirement that a proposed parenting plan include, with specific detail, what proposed variable costs are expected to be incurred by or on behalf of the child.

**Effective date:** The act took effect on May 23, 2021, and applies to actions affecting the family filed on or after that date.

AO:mca;jal