LRB-1773/1 SWB:amn

2021 SENATE BILL 106

February 11, 2021 - Introduced by Senators Jacque and Ballweg, cosponsored by Representatives Brooks, Armstrong, Brandtjen, Dittrich, Kuglitsch, Murphy, Mursau, Skowronski, Tusler and Wichgers. Referred to Committee on Judiciary and Public Safety.

- 1 AN ACT to create 767.135 of the statutes; relating to: judicial notice of certain
- 2 court records relating to domestic violence or child abuse.

Analysis by the Legislative Reference Bureau

This bill allows a court in an action affecting the family to take judicial notice of certain records relating to domestic violence.

Under current law, certain aspects of family law proceedings are modified if a court finds that a parent has engaged in a pattern or serious incident of interspousal battery or domestic abuse. If a guardian ad litem is appointed for a child in an action affecting the family, the guardian ad litem is required to investigate whether there is evidence that either parent engaged in interspousal battery or domestic abuse and must report the results of the investigation to the court.

The bill specifies that in a family law action in which the parties have a minor child, a court may take judicial notice of records available on the Internet site of the consolidated court automation programs, commonly referred to as CCAP, relating to certain convictions and restraining orders between the parties. Under the bill, the court may take judicial notice of records available on CCAP relating to 1) a conviction of a parent for a crime that is subject to the statutory domestic abuse surcharge and is committed against the other parent, including battery, stalking, sexual assault, damage to property, disorderly conduct, and other specified crimes; 2) a conviction of a parent for a crime against a child that is committed against a child of the parties;

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or 3) an injunction issued against a parent if the injunction was requested by the other parent, for a domestic abuse or harassment restraining order.

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

Section 1. 767.135 of the statutes is created to read:

767.135 Judicial notice. (1) In this section, "Wisconsin Circuit Court Access Internet site" means the Internet site of the consolidated court automation programs, which is the statewide electronic circuit court case management system established under s. 758.19 (4) and maintained by the director of state courts, that provides information regarding the cases filed in the circuit courts.

- (2) In an action affecting the family in which the parties have a minor child, the court assigned to exercise jurisdiction in the action may take judicial notice of any court record available on the Wisconsin Circuit Court Access Internet site relating to any of the following:
- (a) A conviction of a party for a crime committed against the other party that is subject to the domestic abuse surcharge under s. 973.055 (1).
- (b) A conviction of a party for a crime committed against a child of the parties under ch. 948.
- (c) An injunction issued against a party under s. 813.12 or 813.125, if the injunction was requested by the other party.

17 (END)