



2025 SENATE BILL 161

March 27, 2025 - Introduced by Senator WIMBERGER, cosponsored by Representatives MURSAU, ARMSTRONG, BEHNKE, BROOKS, DALLMAN, KNODL, KREIBICH, O'CONNOR, PIWOWARCZYK and STEFFEN. Referred to Committee on Mental Health, Substance Abuse Prevention, Children and Families.

1 **AN ACT** *to amend* 767.41 (4) (a) 2.; *to create* 767.41 (5) (am) 5m. of the statutes;
2 **relating to:** a presumption that equalizing physical placement to the highest
3 degree is in the child's best interest.

Analysis by the Legislative Reference Bureau

Under current law, a court must set a physical placement schedule in an action affecting the family that allows a child to have regularly occurring, meaningful periods of physical placement and that maximizes the amount of time for a child with each parent and that is based on the best interest of the child. The Wisconsin Supreme Court in *Landwehr v. Landwehr*, 2006 WI 64, 291 Wis. 2d 49, 715 N.W.2d 180, has stated that this standard does not require equal placement for a child with both parents.

This bill removes the current standard for determining a physical placement schedule and instead creates a presumption that equal placement of a child with both parents is in the child's best interest. The presumption is rebutted if a court finds by a preponderance of the evidence, after considering all of the statutory best-interest factors, that equalizing physical placement time between parents would not be in a child's best interest.
