



Joy Goeben

STATE REPRESENTATIVE • 5th ASSEMBLY DISTRICT

Assembly Committee on Children and Families

Assembly Bill 123

Representative Goeben

May 21, 2025

Good Morning Chairman Snyder, Vice Chair Penterman, and members of the committee.

Thank you for the opportunity to testify on Assembly Bill 123. At the heart of this bill is something personal: the relationship between parents and their children. When families go through the difficult process of custody agreements and placement schedules, every mile matters. Every extra mile added to a parent's drive can mean less time with their child—less time helping with homework, attending a soccer game, or simply being there for the everyday moments that shape a child's life.

Right now, Wisconsin law requires a parent to seek court approval if they plan to move more than 100 miles away from the other parent. But the law does not specify how that distance is measured. For some families, that means a legal battle over whether '100 miles' is measured by the actual roads a parent must travel or just a straight-line distance on a map.

This bill provides a simple but meaningful fix: it defines that distance in "driving miles" – the actual roads a parent would travel, not just a straight-line measurement on a map. It's a small change, but one that makes the law clearer, fairer, and more practical for real families who are already navigating difficult circumstances.

This is about protecting the parent-child relationship and making sure that decisions affecting families are based on reality—not legal loopholes or technicalities. This bill ensures that when courts make decisions about relocation, they're using a standard that reflects the real-life impact on families. It also reflects how courts already commonly operate. By passing this bill, we are codifying standard practice and removing ambiguity for families in matters of custody agreements and placement schedules.

I urge you to support this bill—not just because it makes legal sense, but because it makes life a little easier for the parents and children who need it most. Thank you for your time.



Testimony before the Assembly Committee on Children and Families

Senator André Jacque

May 21, 2025

Chairman Snyder and Members of the Assembly Committee on Children and Families:

Thank you for the opportunity to testify with Rep. Goeben in support of AB 123. This is common sense legislation I drafted at the request of family law practitioners and judges to provide clarity to the public and reduce the incidence of additional hearings clogging our courts when the result is predictable based on precedent.

Currently, state law does not allow a custodial parent to move a child more than 100 miles away from the non-custodial parent without court approval. However, because the statute does not expressly specify that the 100-mile standard refers to road miles, valuable court time and expense has been consumed by those who have claimed the 100 miles can entail a straight-line or “as the crow flies” distance that is not backed by precedent. To avoid the contention that this confusion can bring - and to prevent possible contempt actions from further clogging up family courts - this bill, drafted at the request of practitioners and parents alike, proposes to clarify that the standard refers to driving miles, essentially codifying the 2008 Warner v. Warner decision.

Under current law, a parent granted periods of physical placement with a child in an action affecting the family must obtain a court order if the parent intends to relocate and reside with the child 100 miles or more from the other parent if the other parent also has court-ordered periods of physical placement with the child. Also under current law, during the pendency of an action affecting the family, parties are generally prohibited from relocating and establishing a residence with a minor child of the parties that is more than 100 miles from the residence of the other party, if the party does not have consent of the other party or an order of the court. The requirement to obtain a court order allowing relocation does not apply if the parents already live more than 100 miles apart when a parent proposes to relocate and reside with the child, but in that situation, the parent who intends to relocate with the child must serve written notice of the intent to relocate on the other parent at least 60 days before relocation.

This bill adds an express requirement that the 100-mile distance for purposes of these provisions must be calculated as “driving miles,” defined in the bill to mean the actual distance traveling by road required to get from one location to another rather than the straight-line distance between those locations. The Family Law section of the State Bar of Wisconsin formally supports this legislation.

Thank you for your consideration of Assembly Bill 123. I’m happy to answer any questions committee members may have.