



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

Testimony in Support of Assembly Bill 189/Senate Bill 189

May 7, 2025

Joint Public Hearing

Chairman Snyder, Chairman James, and committee members,

Thank you for the opportunity to speak in support of Assembly Bill 189/Senate Bill 189. This bill proposes a thoughtful, efficient, and compassionate improvement to Wisconsin's family court process.

Right now, even when couples have resolved every issue in their divorce, property division, support, custody, and more, they still face a final, meaningless hurdle: a mandatory court appearance. For many, this is a procedural formality that adds stress, delay, and unnecessary court congestion. In some counties, couples wait weeks or months for a 10-minute hearing that could be resolved with a signed affidavit.

This bill changes that, not by weakening the legal process of divorce, but by modernizing it. It allows couples to finalize uncontested divorces or legal separations without appearing in court, as long as both parties are represented or working with an attorney mediator, have completed all requirements, and submit a sworn affidavit confirming their eligibility. Judges retain full discretion to require an appearance if needed.

This reform doesn't affect the integrity of the divorce process. The 120-day waiting period remains. The six-month remarriage restriction remains. What it does is free up valuable time for judges, clerks, and families alike, allowing the courts to focus on more complex and contested cases where judicial involvement is critical.

It's also not a new concept. During the COVID-19 courthouse closures, several counties adopted a temporary version of this approach, and it worked. Couples appreciated the flexibility, courts reduced backlog, and no harm came to the judicial process.

In short, this bill respects the dignity of families navigating a difficult moment in their lives, while helping our courts run more efficiently. It's a win-win solution for Wisconsin families and the judicial system.

I respectfully urge your support for Assembly Bill 189/Senate Bill 189, and I'm happy to answer any questions.



STATE SENATOR

Eric Wimberger

DISTRICT 2

**Senate Committee on Mental Health, Substance Abuse
Prevention, Children and Families**

Assembly Committee on Children and Families

**Re: Senate Bill 189- Final hearing by affidavit for the
dissolution of a marriage**

May 7, 2025

Thank you, Senator James, Representative Snyder and committee members, for holding a hearing on Senate Bill 189 (Assembly Bill 189), which allows a final judgement of divorce or legal separation without the added burden of parties having to appear in court.

Under the current divorce process, the parties must appear in court to finalize the dissolution, even in cases where all aspects of the divorce have been negotiated and settled. These perfunctory hearings can lead to a backlog in the judicial system and undue stress on the families involved.

This bill creates an optional process to waive the requirement of in-person court appearances. This option will be limited to cases where both parties are represented by attorneys or are working with a mediator. Additionally, both parties must also sign an affidavit confirming that they meet the requirements to obtain a judgment, and disclose if they are involved in a domestic violence case.

It is important to note that this legislation does not change the process of divorce prior to the final hearing. The only change is to offer parties the option to conduct their final hearing by affidavit rather than taking time away from work and their families to come back into the courtroom.

This process was utilized in many courtrooms during the pandemic, and resulted in a more efficient procedure. Our hope is that, in addition to a more efficient system, this legislation will result in less stress and burden for those going through an already stressful situation. Thank you again for holding this hearing and I hope you'll join us in support of Senate Bill 189.

State Capitol • PO Box 7882
Madison, WI 53707-7882
(608) 266-5670
Sen.Wimberger@legis.wi.gov

FAMILY LAW SECTION

To: Assembly Committee on Children and Families
Senate Committee on Mental Health, Substance Abuse Prevention, and Children and Families
From: Family Law Section Board, State Bar of Wisconsin
Date: May 7, 2025
Re: Support for AB 189/SB 189 – final hearing by affidavit

The State Bar of Wisconsin's Family Law Section requests your support of AB 189/SB 189, legislation providing parties the option to conduct the final hearing in a divorce by affidavit, provided certain criteria are met.

Currently, when parties seek a divorce, the final step is to appear in court, either before a judge or commissioner, to finalize the dissolution. In a significant majority of cases, this final step is perfunctory, as all aspects of the divorce have previously been settled, but the process of going to court and being in front of a judge or commissioner can still be stressful and burdensome to one or both of the parties and their family members.

This proposal would create an alternative, optional path in the final phase of the dissolution by allowing the circuit court to grant a final judgement of divorce or legal separation without the parties having to appear in court.

To qualify for this option, the parties would both have to be represented by attorneys or have worked with an attorney mediator, complete affidavits attesting to information normally provided at a hearing and disclose if they are involved in a domestic violence case, among other requirements. This legislation also maintains judicial discretion by allowing a judge/commissioner to require the parties to come to court should they deem it necessary.

Conducting a final hearing by affidavit is not a new concept. During the pandemic, when courthouses were shut down, some counties experimented with this process and found it to be efficient, as it reduced the backlog in family court. Parties who finalized their divorce in this manner also appreciated not having to take time off work, find transportation to the courthouse, arrange childcare, and, significantly, did not have to pay several hours of attorney fees for the duration of time spent in court. Additionally, and perhaps most meaningfully, parties cited reduced stress, knowing they would not have to go to court for their final hearing.

This legislation does not change the process of divorce prior to the final hearing, nor does it change the timeframe in which parties must wait to finalize a divorce (120-days) or reduce the timeframe in which either party can remarry (six months). The only change is to offer parties the option to conduct their final hearing by affidavit, provided certain criteria are met, as opposed to requiring every case to come before the court, which is currently the only option to finalize a divorce.

Giving parties the option to select how to proceed with a final hearing not only alleviates a burden on the court system, but, most importantly, allows for parties to decide what best suits their situation, resulting in a savings of time, money, and stress. For these reasons, the Family Law Section of the State Bar seeks your support of AB 189/SB 189.

For more information, please do not hesitate to contact our Government Relations Lobbyist, 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 by the section board 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

P.O. Box 7158 | Madison, WI 53707-7158
(800) 728-7788 (608) 257-3838

5302 Eastpark Blvd. | Madison, WI 53718-2101
Fax (608) 257-5502 www.wisbar.org service@wisbar.org