

1 **AN ACT** *to amend* 767.405 (8) (c) and 767.41 (1m); and *to create* 767.215 (1) (c) and
 2 767.215 (2m) (a) 3. of the statutes; **relating to:** parenting plans in actions affecting
 3 the family.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: Under current law, in an action affecting the family, such as a divorce or action to determine paternity, in which legal custody or physical placement is contested, a parent seeking sole or joint legal custody or periods of physical placement must file a parenting plan with the court before any pretrial conference. In general, a parent who does not file a parenting plan before the pretrial conference waives the right to object to the other party’s parenting plan. A parenting plan must provide information relating to issues such as the legal custody or physical placement the parent is seeking; where the parent lives and intends to live; the parent’s hours of employment; the plan for where the child will attend school; child care arrangements; decision–making relating to the child; and any proposed child support or maintenance.

Also, under current law, in an action affecting the family in which it appears that legal custody is contested, the court must refer the parties to the director of family court services for possible mediation.

This draft requires the clerk of court to provide parties that have a minor child with with a copy of the statute relating to parenting plans when they file a petition or receive a summons for an action affecting the family. The draft bill also provides that a mediator must review the nonfinancial provisions of the parenting plan at the initial session of mediation.

The draft requires parties to file a parenting plan with the court within 60 days after the court waives the requirement that the parties attend mediation or within 60 days after the mediator notifies the court that the parties have not reached an agreement, unless the court orders otherwise.

4 **SECTION 1.** 767.215 (1) (c) of the statutes is created to read:

1 767.215 (1) (c) The clerk of court shall provide, without charge, a copy of s. 767.41
2 (1m), to each person filing a petition showing that the parties have a minor child.

3 **SECTION 2.** 767.215 (2m) (a) 3. of the statutes is created to read:

4 767.215 (2m) (a) 3. Shall be accompanied by a copy of s. 767.41 (1m), provided without
5 charge by the clerk of court, for completing and filing a parenting plan under s. 767.41 (1m).

NOTE: SECTIONS 1 and 2 require the clerk of court to provide a copy of
the statute relating to parenting plans to each person who files a petition
or receives a summons initiating an action affecting the family if the
petition shows that the parties have a minor child.

6 **SECTION 3.** 767.405 (8) (c) of the statutes is amended to read:

7 767.405 (8) (c) The initial session under par. (a) shall be a screening and evaluation
8 mediation session to determine whether mediation is appropriate and whether both parties
9 wish to continue in mediation. At the initial session, the mediator shall review with the parties
10 the nonfinancial provisions that must be included in the parenting plan under s. 767.41 (1m).

NOTE: SECTION 3 requires the mediator to review with the parties at the
initial session of mediation the nonfinancial provisions that must be
included in the parenting plan.

11 **SECTION 4.** 767.41 (1m) of the statutes is amended to read:

12 767.41 (1m) PARENTING PLAN. In an action for annulment, divorce, or legal separation,
13 an action to determine paternity, or an action under s. 767.001 (1) (e), 767.501, or 767.805 (3),
14 in which legal custody or physical placement is contested, a party seeking sole or joint legal
15 custody or periods of physical placement shall file a parenting plan with the court ~~before any~~
16 ~~pretrial conference~~ within 60 days after the court waives the requirement to attend mediation
17 or within 60 days after the mediator notifies the court under s. 767.405 (12) (b) that the parties
18 have not reached an agreement, unless the court orders otherwise. Except for cause shown,
19 a party required to file a parenting plan under this subsection who does not timely file a

1 parenting plan waives the right to object to the other party's parenting plan. A parenting plan
2 shall provide information about the following questions:

NOTE: SECTION 4 requires parties to file a parenting plan within 60 days after the court waives the requirement to attend mediation or within 60 days after the mediator notifies the court that the parties have not reached an agreement, unless the court orders otherwise. Under current law, the parenting plan must be filed before any pretrial conference.

3 **SECTION 5. Initial applicability.**

4 (1) This act first applies to actions commenced on the effective date of this subsection,
5 including actions to enforce or modify a judgment or order that was granted before the
6 effective date of this subsection.

NOTE: SECTION 5 provides that the provisions of the act first apply to actions affecting the family commenced on the effective date of the act.

7 (END)