



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0411/2
SWB:emw&cjs

2019 BILL

1 **AN ACT** *to repeal* 767.41 (1m) (g) and 767.41 (1m) (n); *to amend* 767.405 (8) (c)
2 and 767.41 (1m) (intro.); and *to create* 767.405 (8) (d) and 767.41 (1m) (cm) of
3 the statutes; **relating to:** proposed parenting plans in certain actions affecting
4 the family.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Study Committee on Child Placement and Support. Under current law, in any action affecting the family in which legal custody or physical placement is contested, the parties are required to attend at least one session of mediation, unless a court finds that attending mediation will cause undue hardship or would endanger the health or safety of one of the parties and waives the mediation requirement. If after the initial session the mediator notifies the court that no agreement has been reached, or if mediation has been waived, the parties must each file a parenting plan with the court within 60 days. A parenting plan must provide certain information, including what legal custody or physical placement the parent is seeking, where the parent lives currently and intends to live during the next 2 years, where the parent works and the hours of

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employment, who will provide necessary child care and who will pay for it, a proposed summer and holiday placement schedule, whether and how the child may contact the other parent, what child support, family support, maintenance, or other income transfer there will be, and how the child's medical expenses will be paid.

The bill requires parties who are directed to participate in an initial mediation session to submit their proposed parenting plans to family court services or the assigned mediator at least 10 days before the initial mediation session. The parties may, but are not required to, exchange proposed parenting plans before the initial mediation session. Proposed parenting plans may be submitted and exchanged electronically. The bill removes from the required parenting plan information about what child support, family support, maintenance, or other income transfer there will be, and how the child's medical expenses will be paid. The bill adds a requirement that proposed parenting plans must include, with specific detail, what proposed variable costs are expected to be incurred by or on behalf of the child. The bill maintains the separate requirement for the parties to each file a parenting plan with the court if no agreement was reached in mediation or if mediation was waived.

1 **SECTION 1.** 767.405 (8) (c) of the statutes is amended to read:

2 767.405 (8) (c) The initial session under par. (a) shall be a screening and
3 evaluation mediation session to determine whether mediation is appropriate and
4 whether both parties wish to continue in mediation. At the initial session, the
5 mediator shall review discuss with each of the parties ~~the nonfinancial provisions~~
6 ~~that must be~~ information included in the proposed parenting ~~plan~~ plans under s.
7 767.41 (1m).

8 **SECTION 2.** 767.405 (8) (d) of the statutes is created to read:

9 767.405 (8) (d) At least 10 days before the initial mediation session, each party
10 shall submit a proposed parenting plan containing all the information required
11 under s. 767.41 (1m) to the director of family court services for the county in which
12 the action is pending or the assigned mediator. The parties may exchange proposed
13 parenting plans before the initial mediation session. For purposes of the exchange
14 and submission under this paragraph, a party may provide a copy of the party's
15 proposed parenting plan electronically.

16 **SECTION 3.** 767.41 (1m) (intro.) of the statutes is amended to read:

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1 767.41 **(1m)** PARENTING PLAN. (intro.) Unless the court orders otherwise, in an
2 action for annulment, divorce, or legal separation, an action to determine paternity,
3 or an action under s. 767.001 (1) (e), 767.501, or 767.805 (3), in which legal custody
4 or physical placement is contested, a party seeking sole or joint legal custody or
5 periods of physical placement shall file a proposed parenting plan with the court if
6 the court waives the requirement to attend mediation under s. 767.405 (8) (b) or if
7 the parties ~~attend~~ have attended mediation and the mediator notifies the court
8 under s. 767.405 (12) (b) that the parties have not reached an agreement. Unless the
9 court orders otherwise, the proposed parenting plan shall be filed within 60 days
10 after the court waives the mediation requirement or the mediator notifies the court
11 that no agreement has been reached. Except for cause shown, a party required to file
12 a proposed parenting plan under this subsection who does not timely file a proposed
13 parenting plan waives the right to object to the other party's parenting plan. A
14 proposed parenting plan shall provide information about the following questions:

15 **SECTION 3.** 767.41 (1m) (cm) of the statutes is created to read:

16 767.41 **(1m)** (cm) With specific detail, what proposed variable costs are
17 expected to be incurred by or on behalf of the child.

18 **SECTION 4.** 767.41 (1m) (g) of the statutes is repealed.

19 **SECTION 5.** 767.41 (1m) (n) of the statutes is repealed.

20 **SECTION 6. Initial applicability.**

21 (1) This act first applies to actions filed on the effective date of this subsection.

22 **(END)**