



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 443
[2005 Senate Bill 123]

Reorganization and Revision of Chapter 767, Stats. (Actions Affecting the Family)

Senate Bill 123, which, as amended, was enacted as Act 443, was developed by the Joint Legislative Council's Special Committee on Recodification of Ch. 767, Actions Affecting the Family. The Special Committee was directed to recodify ch. 767, Stats., including possible reorganization of the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions, and making minor substantive changes.

General topics covered by ch. 767 include: annulment, divorce, and legal separation; child custody, physical placement, and visitation; support, including child support; spousal maintenance; property division; and paternity. The chapter was last recodified in the 1959 Legislative Session. See ch. 595, Laws of 1959. Since that recodification, the chapter has expanded considerably, both in the number of individual provisions and the length of the chapter. The expansion of the chapter has resulted in a disorganized chapter, which can be difficult to use.

Act 443:

- Reorganizes ch. 767 by:
 - Creating nine subchapters and relocating provisions within the chapter.
 - Reorganizing individual sections, or portions of sections, by combining them with other sections, dividing single sections into two or more sections, and internally reorganizing single sections.
- Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
- Revises section titles, where appropriate, and provides subsection titles throughout the chapter.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- Repeals several provisions considered no longer necessary.
- Makes substantive changes considered relatively noncontroversial. Substantive changes in the Act are identified in notes to the provisions substantively affected.

Among the substantive changes are:

- Repeals current requirements that Social Security numbers of parties and children be included in the petition and judgment, replacing those requirements with a new requirement intended to ensure the confidentiality of that information.
- Requires judgments in actions affecting the family to include general notice regarding: the possibility the parties may have to take additional actions in order to transfer an interest in property in accordance with the property division set forth in a judgment; the possibility a creditor may be able to proceed against a party or against that party's property even though the party is not responsible for the debt under the terms of the judgment; and the possibility a party may have to take additional action to change a beneficiary in connection with an instrument executed by the party before the judgment (for example, an insurance policy) if the party wishes to make a change in the beneficiary designation.
- Concerning paternity actions:
 - Eliminates waiver of first appearance.
 - Makes default judgment orders effective immediately.
 - Authorizes a court to enter a default judgment when an alleged father has a genetic test result of 99% or higher, even though there might be another alleged untested father.
 - Prohibits minor parents from signing voluntary paternity acknowledgments.

A table of contents listing all section numbers and titles of reorganized ch. 767 and the newly created subchapters is included in the Joint Legislative Council Prefatory Note to Act 443. Also, a finding aid is included at the end of the Act identifying the treatment by the Act of current statutory provisions within ch. 767.

Effective Date: January 1, 2007. Note that the initial applicability of a number of provisions of the Act is set forth in SEC. 266 of the Act.

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