
Wisconsin Legislative Council

ACT MEMO



Prepared by: Melissa Schmidt, Senior Staff Attorney

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2021 Wisconsin Act 20
[2021 Senate Bill 116]

**Stipulated Agreements to Modify
Legal Custody or Physical
Placement of a Child**

BACKGROUND

In general, a court cannot modify an order for legal custody or physical placement that would substantially alter a child's time with each parent within two years of the final judgment, unless custodial conditions are physically or emotionally harmful to the best interest of the child. After the first two years, a court may modify an order for legal custody or physical placement if: (1) there has been a substantial change in circumstances; and (2) the court has determined that the modification is in the best interest of the child. A court must presume that maintaining the status quo allocation of decision-making and physical placement is in the child's best interest, unless rebutted by the parent seeking the modification.

2021 WISCONSIN ACT 20

2021 Wisconsin Act 20 authorizes a court to approve a stipulated agreement between the parents in a family law action for modifications to legal custody or physical placement upon the occurrence of life events of the adult parties or child, or developmental and educational needs of the child, that are reasonably certain to occur within two years of the date of the stipulation. The act authorizes the court to approve such a stipulation if it is filed in an action initially determining, modifying, or revising a legal custody or physical placement order.

The act prohibits stipulated agreements between the parties that are based upon anticipated behavior modifications by a party, including the completion of any of the following:

- Anticipated completion of an anger management course or anger management therapy.
- Anticipated completion of a batterer's intervention program.
- Anticipated completion of drug or alcohol treatment or therapy.
- Anticipated completion of incarceration or other sentencing for crimes specified in the act, such as homicide, battery, endangering safety by use of a dangerous weapon, and violation of a restraining order, among others.

The act first applies to actions or proceedings, including actions or proceedings to modify a judgment or order previously granted, that are commenced on March 28, 2021.

Effective date: March 28, 2021.

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