



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 627

**Assembly
Amendment 1**

Memo published: January 23, 2002

Contact: Laura D. Rose, Deputy Director (266-9791)

Assembly Bill 627

Current s. 948.31, Stats., prohibits three types of interference with the custody of a child. The statute imposes felony penalties for withholding a child from a parent or legal custodian for more than 12 hours beyond a court-approved period of physical placement or visitation period.

Assembly Bill 627 creates a Class A misdemeanor penalty for violating any of the prohibitions relating to interfering with the custody of a child by a parent or others if the child is withheld for more than six hours. A Class A misdemeanor is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

The bill also provides that if a court has entered an order granting one or both parents legal custody of a child and a parent of the child alleges that his or her legal custody or periods of physical placement of the child is being interfered with by the child's other parent in violation of the order, the other parent may request a law enforcement agency in the jurisdiction in which the first parent is located to assist in locating and returning the child. If the parent provides the law enforcement agency with a certified copy of the court order, a law enforcement agency must assist in locating and returning the child.

The bill also provides that a temporary order granting legal custody of a minor child or periods of physical placement with a minor child must include notification of s. 948.31.

Assembly Amendment 1

Assembly Amendment 1 modifies the bill by providing that the copy of the order presented to a law enforcement officer by a parent requesting law enforcement assistance does not need to be a certified copy. In addition, the amendment provides that the order may be from a judge or family court commissioner.

On January 17, 2002, the Assembly Committee on Family Law recommended adoption of Assembly Amendment 1 by a vote of Ayes, 5; Noes, 1, and recommended passage of the bill, as amended, by a vote of Ayes, 5; Noes, 1.

LR:rv;ksm