



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Senate Bill 112

Senate Amendment 1

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Contact: Russ Whitesel, Senior Staff Attorney (266-0922)

2005 Senate Bill 112 relates to the Uniform Child Custody Jurisdiction and Enforcement Act. The bill was introduced by the Joint Legislative Council on March 15, 2005.

The amendment makes three changes to the proposed legislation:

1. The amendment clarifies that the definition of “commencement” means the filing of the first pleading of the proceeding, *provided that service is completed in accordance with the applicable provisions of ch. 801*, which govern the commencement of civil actions in Wisconsin. This amendment will have the effect of assuring that when the act is used in Wisconsin that the procedures governing civil actions under ch. 801 will apply.

2. The amendment provides that the defined term “physical custody,” which under the act is defined to mean the physical care and supervision of a child, also includes “physical placement,” unless the context requires otherwise. “Physical placement” is defined under the amendment to have the meaning given in s. 767.001 (5), Stats. That definition provides that physical placement means the condition under which the party has the right to have a child physically placed with that party and has the right and responsibility to make, during that placement, routine daily decisions regarding the child’s care, consistent with major decisions made by a person having legal custody. The amendment also makes other changes in the legislation consistent with this addition to the definition of “physical custody.”

3. The legislation includes a provision stating that the chapter does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care of a child. The amendment *deletes* the language from this section relating to adoption proceedings.

Legislative History

2005 Senate Bill 112 is the product of the Legislative Council's Special Committee on Child Guardianship and Custody. That committee recommended adoption of the legislation on a vote of Ayes, 12; Noes, 0 at their December 14, 2004 meeting.

At its March 9, 2005 meeting, the Joint Legislative Council voted to introduce the legislation on a vote of Ayes, 18; Noes, 0.

Following introduction of the legislation, the bill was referred to the Senate Committee on Judiciary, Corrections and Privacy. A public hearing was held on the bill on May 11, 2005.

The Senate committee voted to introduce and adopt Senate Amendment 1 on a vote of Ayes, 5; Noes, 0 and voted to recommend passage of the bill, as amended, on a vote of Ayes, 5; Noes, 0.

The Senate adopted Senate Amendment 1 on a voice vote and recommended passage of the bill, as amended, on a voice vote on June 15, 2005.

The bill was referred to the Assembly Committee on Judiciary on June 28, 2005.

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