



## 2005 SENATE BILL 247

June 23, 2005 - Introduced by Senators HARSDORF, LASSA, CARPENTER, A. LASEE, REYNOLDS, RISSER, ROESSLER, STEPP, ZIEN and DARLING, cosponsored by Representatives WOOD, LAMB, AINSWORTH, ALBERS, J. FITZGERALD, FREESE, GARD, GUNDERSON, GUNDRUM, HINES, HONADEL, JENSEN, KLEEFISCH, KRAWCZYK, KREIBICH, LEHMAN, MOULTON, PETROWSKI, PETTIS, RHOADES, STRACHOTA, SUDER, TOWNSEND, WASSERMAN, GRONEMUS, LOTHIAN and NASS. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1     **AN ACT** *to renumber and amend* 767.325 (5m); and *to create* 767.325 (5m) (b)  
2             of the statutes; **relating to:** considering a person's criminal record and  
3             evidence of abuse or neglect of a child when modifying custody or physical  
4             placement of a child.

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### *Analysis by the Legislative Reference Bureau*

Under current law, when a court decides whether to modify custody or physical placement of a child after an initial determination in an action affecting the family, such as a divorce, the court must consider a number of factors, including the factors that the court must consider when making the initial determination as to custody and physical placement. Those factors include, among other things, whether there is evidence that either party has engaged in abuse of the child or each other. This bill provides that when a court determines whether it is in a child's best interest to modify custody or physical placement after an initial determination has been made, in addition to the factors under current law, the court must consider whether a stepparent, person with whom a parent of the child has a dating relationship, or person who resides or has resided regularly or intermittently in the child's home has a criminal record or has abused or neglected the child.

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

**SENATE BILL 247**

1           **SECTION 1.** 767.325 (5m) of the statutes is renumbered 767.325 (5m) (a) and  
2 amended to read:

3           767.325 **(5m)** (a) In all actions to modify legal custody or physical placement  
4 orders, the court shall consider the factors under s. 767.24 (5) (am), subject to s.  
5 767.24 (5) (bm), ~~and. Subject to par. (b), the court shall make its determination in~~  
6 a manner consistent with s. 767.24.

7           **SECTION 2.** 767.325 (5m) (b) of the statutes is created to read:

8           767.325 **(5m)** (b) In determining the best interest of the child under this  
9 section, in addition to the factors under s. 767.24 (5) (am), the court shall consider  
10 whether any of the following has a criminal record and whether there is evidence that  
11 any of the following has engaged in abuse, as defined in s. 813.122 (1) (a), of the child  
12 or neglected the child:

13           1. A stepparent of the child.

14           2. A person with whom a parent of the child has a dating relationship, as  
15 defined in s. 813.12 (1) (ag).

16           3. A person who resides or has resided regularly or intermittently in the same  
17 dwelling as the child.

18           **SECTION 3. Initial applicability.**

19           (1) This act first applies to an action to modify an order of legal custody or  
20 physical placement that is commenced on the effective date of this subsection.

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(END)