



2007 ASSEMBLY BILL 622

December 11, 2007 - Introduced by Representatives KESTELL, LEMAHIEU, SHERIDAN, VOS, BIES, PETROWSKI, ALBERS, SUDER, PRIDEMORE and GUNDERSON, cosponsored by Senator COWLES. Referred to Committee on Children and Family Law.

1 **AN ACT to amend** 767.281 (1); and **to create** 767.281 (5) of the statutes; **relating**
2 **to:** substitution of judges of divorce actions.

Analysis by the Legislative Reference Bureau

Current law generally allows a party to a civil action to file one request for substitution of a new judge for the judge assigned to the case. This bill permits a party that has been granted a divorce to file, in a subsequent proceeding related to the divorce, one request for substitution of a new judge for the judge that granted the divorce.

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

3 **SECTION 1.** 767.281 (1) of the statutes is amended to read:
4 767.281 (1) APPLICABILITY. ~~This section applies~~ Subsections (1m) to (4) apply
5 to all enforcement or modification petitions, motions, or orders to show cause filed
6 for actions affecting the family under s. 767.001 (1) (i).
7 **SECTION 2.** 767.281 (5) of the statutes is created to read:

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1 767.281 (5) SUBSTITUTION OF JUDGE IN SUBSEQUENT PROCEEDING. (a)
2 Notwithstanding s. 801.58 (1) and (3), in any action affecting the family under s.
3 767.001 (1) (i) or (k), a party may request a substitution of judge. The party that files
4 the petition, motion, or order to show cause commencing the action shall file request
5 for substitution along with the petition, motion, or order to show cause.

6 (b) If the respondent wishes to file a request for substitution of a judge under
7 this subsection, the respondent shall do so within 30 days after service of the petition,
8 motion, or order to show cause.

9 (c) No party may file more than one request for substitution in any one action
10 affecting the family under s. 767.001 (1) (i) or (k).

11 **SECTION 3. Initial applicability.**

12 (1) This act first applies to actions or proceedings, including actions or
13 proceedings to enforce or modify a judgment or order previously granted, that are
14 commenced on the effective date of this subsection.

15 **(END)**