



WISCONSIN LEGISLATURE

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Senator Andre Jacqué

Representative Jeremy Thiesfeldt

**Testimony on Assembly Bill 313
The Deployed with Dependent Reform Bill
Assembly Committee on Family Law**

Hello Chairman Magnafici and Honored Members of the Committee. Thank you for holding a hearing today on Assembly Bill 313, the Deployed with Dependent Reform Bill.

Under current law, in determining the legal custody of a child, a court may not consider whether a service member has been or may be called into active duty and consequently is or may be absent from his or her home. Service member is defined as a member of the National Guard or a reserve unit of the U.S. armed forces.

Unfortunately, this protection does not currently extend to those active duty service members that are deployed, including in Wisconsin. Family law attorneys have reported several instances where a military service member's deployments, leave time, moves, etc. have been used against them as "inconsistency" in court. For example, an active duty military service member has been assigned to work out of the recruitment office in Green Bay for the next three years. As he will potentially be assigned somewhere else after that, the court said that there was "no point" in changing placement substantially now since the service member will be gone in three years to an unknown location.

Under this bill, "service member," for the purposes of determining legal custody and physical placement of a child, means a member of the National Guard, the U.S. armed forces, or a reserve unit of the U.S. armed forces. This bill also prohibits a court from denying a parent who is a service member periods of physical placement with his or her child based on past or future anticipated variability in his or her schedule, living arrangements, or location due to service in the military.

We should bend over backwards to make sure our servicemen and servicewomen get to see their kids as often as possible especially given their schedules defending our country.

The American Legion, which is a veterans' organization, is in support of this bill. The Senate companion to this bill passed out of the Senate committee unanimously and passed the full Senate on a bipartisan voice vote.

We would love your support on this important bill. Thank you.