



From: Senator Kathy Bernier
To: The Senate Committee on Human Services, Children & Families
Re: Testimony on Senate Bill 122
Relating to: factors relating to the physical placement of a child
Date: March 2, 2021

Chairman Jacque and members of the committee, thank you for hearing Senate Bill 112 today. I want to note that Senate Bill 112 is identical to 2019 Assembly Bill 98, which was introduced by the Joint Legislative Council as a result of the Study Committee on Child Placement and Support. The bill previously passed the Assembly on a voice vote and unanimously passed through a Senate Committee this time last year. Unfortunately, the bill did not have enough time to advance to the Senate floor.

Under current law, parents aren't always given a full understanding of why they are not being awarded equal placement of their children. This bill specifies that if a court grants less than 25% physical placement to a parent, a finding of fact must be entered as to the reason greater placement with that parent is not in the best interest of the child.

This simple change ensures parents have clear knowledge of which placement factors they are not meeting, allowing them to work to change these factors. With shared and substantially equal placement arrangements continuing to increase, there is value in having a court explain why physical placement with one parent is limited.

In addition, as advised by the study committee, Senate Bill 112 reorders statutory best-interest factors for easier application, specifying that the factors are not necessarily listed in order of importance. This bill also eliminates two considerations: the stability in placement and availability of child care services, as the committee found these considerations are already covered in other factors and did not allow for parents to adjust to a new way of life after divorce.

I hope you will please join me in support of these simple changes. A parent given diminished physical placement of their child deserves an explanation so they can begin to work toward change. Thank you again for hearing Senate Bill 112. I would be happy to answer any questions you may have.



ROBERT BROOKS

STATE REPRESENTATIVE • 60th ASSEMBLY DISTRICT

Senate Committee on Human Service, Children, and Families
Tuesday, March 2, 2021

Thank you for holding a hearing on Senate Bill 112 and allowing me to testify in favor of this legislation.

This bill originated in the Study Committee on Child Placement and Support, which I chaired.

The study committee was tasked with reviewing current standards for determining physical placement and child support obligations.

The committee was composed of 5 legislators and 8 public members, including a judge, court commissioner, private family law attorney, domestic violence advocate, fathers' rights activists, and county child support agency directors.

The diverse membership of the committee allowed us to hear from multiple stakeholders. It was important for us to receive feedback from both practitioners and parents that would be directly impacted by policy change – both of which were represented on the committee.

Last session, this bill passed via voice vote in the Assembly and received unanimous support during the Senate committee process. Unfortunately, due to COVID-19, it was not scheduled for a full Senate vote.

Senate Bill 112 specifies that if a court grants less than 25% physical placement to a parent, a finding of fact must be entered as to the reason greater placement with said parent is not in the best interest of the child.

The committee chose 25% placement for the finding of fact requirement because it is the threshold for shared placement in Wisconsin.

Currently, parents have no understanding of why they are not awarded placement. This bill allows parents to have clear knowledge of which factors they are not meeting. Parents can then work on these issues. Given the trend in shared placement arrangements, the study committee found value in having a court explain the reasoning when physical placement with one parent is limited.

In addition, Senate Bill 112 reorders statutory best-interest factors, but specifies that the factors are not necessarily listed in order of importance. This component originated in an informal State Bar Family Law working group that convened prior to the study committee. Some of the working group's members also served on the study committee. The goal of rearranging the factors is easier application when determining placement schedules. This bill eliminates two