



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-6221/P1  
EAW:kjf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to amend** 767.41 (4) (a) 2. of the statutes; **relating to:** creating a  
2             presumption that shared physical placement is in the best interest of the child.

---

***Analysis by the Legislative Reference Bureau***

Under current law, if a court orders sole or joint custody of a child in an action affecting the family, the court must allocate periods of physical placement between the parties. Under current law, a court must set a physical placement schedule that allows a child to have regularly occurring, meaningful periods of physical placement and that maximizes the amount of time for the child to spend with each parent. In determining a physical placement schedule, a court must, in each case, consider a statutory list of best-interest factors. This bill creates a presumption that shared physical placement is in the best interest of the child.

---

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

3             **SECTION 1.** 767.41 (4) (a) 2. of the statutes is amended to read:  
4             767.41 (4) (a) 2. Shared physical placement is presumed to be in the best  
5             interest of the child. In determining the allocation of periods of physical placement,  
6             the court shall consider each case on the basis of the factors in sub. (5) (am), subject

1 to sub. (5) (bm). ~~The~~ In any temporary or permanent order for physical placement,  
2 the court shall set a placement schedule that allows the child to have regularly  
3 occurring, meaningful periods of physical placement with each parent and that  
4 maximizes the amount of time the child may spend with each parent, taking into  
5 account geographic separation and accommodations for different households.

\*\*\*\*NOTE: Note that the factors under s. 767.41 already apply to temporary orders  
under s. 767.225 (1) (am), but we can include this language for emphasis.

6 **SECTION 2. Initial applicability.**

7 (1) This act first applies to actions or proceedings that are commenced on the  
8 effective date of this subsection.

9 (END)