

Arguing for Equal Shared Placement in Wisconsin

Understanding Wisconsin's Placement Laws

Wisconsin does not have a statutory presumption for equal placement, but the state's law requires courts to maximize the time children spend with both parents when it serves the child's best interests^[1]. The court must create a placement schedule that provides "regularly occurring meaningful periods of physical placement with each parent" and "maximizes the amount of time the child may spend with each parent"^[2].

Key Legal Framework

Shared Placement Definition

In Wisconsin, **shared placement** occurs when each parent has the child for at least 25% of the time annually (approximately 92 overnights or more)^[3] ^[4]. This threshold is significant because it affects child support calculations and recognizes both parents as actively involved in the child's life.

Court's Primary Consideration

All placement decisions must serve the **best interest of the child**^[5]. Wisconsin statute section 767.41(5) requires courts to consider sixteen specific factors when determining placement arrangements^[6].

Building Your Case for Equal Shared Placement

Essential Factors to Address

1. Parental Cooperation and Communication

- Demonstrate your ability to communicate effectively with the other parent^[5]
- Show willingness to support the child's relationship with the other parent^[5]
- Document attempts at cooperative co-parenting^[6]

2. Historical Involvement

- Present evidence of your past involvement in the child's daily care^[5]
- Document the amount and quality of time you've spent with the child^[7]
- Show your role as an active caretaker, not just a visitor^[8]

3. Practical Considerations

- Demonstrate your availability and ability to care for the child independently^[8]
- Show you can manage logistics like school transportation, work schedules, and childcare^[8]
- Present a realistic parenting plan that addresses daily routines^[1]

4. Stability and Continuity

- Prove you can provide a stable environment^[8]
- Show how equal placement would maintain or improve the child's adjustment to home, school, and community^[2]
- Address any necessary lifestyle changes you're willing to make to maximize placement time^[5]

Strategic Documentation

Communication Records

- Keep detailed logs of all communications with the other parent^[9]
- Document instances of cooperation or lack thereof^[5]
- Record attempts to involve the other parent in decision-making^[6]

Professional Support

- Obtain recommendations from teachers, doctors, therapists, or other professionals who can speak to your parenting abilities^[9]
- Consider involving a Guardian ad Litem who can advocate for the child's best interests^[2]

Detailed Parenting Plan

Rather than simply requesting "50/50 placement," present a comprehensive parenting plan that addresses^[1]:

- Specific daily and weekly schedules
- Holiday and vacation arrangements
- Transportation logistics
- Decision-making protocols
- Emergency procedures

Addressing Common Challenges

Geographic Considerations

Courts must consider the practical aspects of shared placement, including:

- Distance between parental homes^[10]
- Impact on the child's school attendance and activities^[7]
- Transportation arrangements and costs^[6]

Child's Age and Developmental Needs

- Younger children may need more stability and routine^[10]
- School-age children require consideration of educational consistency^[7]
- The child's own wishes (communicated through appropriate channels) will be considered^[5]

Modification Considerations

If you're seeking to modify an existing placement order, remember that **Wisconsin courts generally cannot modify placement within the first two years** unless there's evidence of physical or emotional harm or both parents agree to the change^[11].

What Equal Placement Looks Like

Equal shared placement can take various forms^[10]:

- **Alternating weeks:** Child spends one week with each parent
- **2-2-3 schedule:** Two days with one parent, two with the other, then three days alternating
- **Split schedules:** Different arrangements for school year versus summer
- **Custom arrangements:** Tailored to family's specific needs and circumstances

Financial Implications

Equal shared placement affects child support calculations through Wisconsin's **shared placement guidelines**^[4]. When both parents have at least 25% placement time, support is calculated based on both parents' incomes and their respective placement percentages^[12].

Mediation Requirement

Wisconsin law **requires mediation** for contested custody and placement cases before proceeding to trial^[3]. This provides an opportunity to negotiate a mutually acceptable arrangement and may increase the likelihood of achieving shared placement^[13].

Conclusion

Successfully arguing for equal shared placement in Wisconsin requires demonstrating that such an arrangement serves your child's best interests while addressing all sixteen statutory factors. Focus on presenting concrete evidence of your parenting capabilities, willingness to cooperate, and ability to provide stability rather than simply requesting "50/50 time." The court's discretionary authority means that a well-documented, child-focused approach significantly improves your chances of achieving meaningful shared placement.



1. <https://www.karplawfirm.com/resource/i-want-5050-placement/>
2. <https://vhdllaw.com/wisconsin-child-placement-laws/>
3. <https://www.custodyxchange.com/locations/usa/wisconsin/overview.php>

4. <https://www.burnettcountywi.gov/164/Child-Support-Guidelines>
5. <https://www.hkklawoffices.com/factors-to-consider-when-ordering-custody-and-placement>
6. <https://www.familylawmadison.com/practice-areas/family-law/child-custody-placement/>
7. <https://www.grgblaw.com/wisconsin-trial-lawyers/what-factors-affect-a-child-s-physical-placement-in-wisconsin>
8. <https://www.sterlinglawyers.com/case-law/best-interest-child/>
9. <https://www.youtube.com/watch?v=e53Du0LFMSA>
10. <https://firstlookfamilylaw.com/is-50-50-placement-good-for-kids-all-the-possible-ways-to-have-substantially-equal-placement/>
11. <https://www.sterlinglawyers.com/wisconsin/child-custody/modify-orders/>
12. <https://dcf.wisconsin.gov/files/publications/pdf/824.pdf>
13. <https://www.irp.wisc.edu/publications/sr/pdfs/sr83.pdf>