



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 767.225 (1) (am) and 767.41 (6) (a) of the statutes; **relating**
2 **to:** findings of fact when the court grants less than equal physical placement
3 of a child.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting a family that involves a child, the court is required to determine the legal custody and the physical placement of the child. Current law requires the court to set a physical placement schedule that allows a child to have regularly occurring, meaningful periods of physical placement with each parent and that maximizes the amount of time for a child with each parent. In determining a physical placement schedule, the court must, in each case, consider a statutory list of best-interest factors.

Current law provides that, if the court grants less than 25 percent of physical placement to one parent in a temporary or final order in an action affecting the family, specific findings of fact must be entered as to the reasons that greater physical placement with that parent is not in the best interest of the child. This bill changes the requirement such that specific findings of fact must be entered if the court grants less than 50 percent of physical placement to one parent in a temporary or final order in an action affecting the family.

BILL**SECTION 1**

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

1 **SECTION 1.** 767.225 (1) (am) of the statutes is amended to read:

2 767.225 (1) (am) Upon the request of a party, granting periods of physical
3 placement to a party in a manner consistent with s. 767.41. The court shall make
4 a determination under this paragraph within 30 days after the request for a
5 temporary order regarding periods of physical placement is filed. If the court
6 grants physical placement to one parent for less than ~~25~~ 50 percent of the time, as
7 determined under s. 49.22 (9), the court shall enter specific findings of fact as to the
8 reasons that a greater allocation of physical placement with that parent is not in the
9 best interests of the child.

10 **SECTION 2.** 767.41 (6) (a) of the statutes is amended to read:

11 767.41 (6) (a) If legal custody or physical placement is contested, the court
12 shall state in writing why its findings relating to legal custody or physical
13 placement are in the best interest of the child. If the court grants physical
14 placement to one parent for less than ~~25~~ 50 percent of the time, as determined
15 under s. 49.22 (9), the court shall enter specific findings of fact as to the reasons
16 that a greater allocation of physical placement with that parent is not in the best
17 interests of the child.

18 **SECTION 3. Initial applicability.**

19 (1) This act first applies to an order regarding physical placement issued on
20 the effective date of this subsection.

21 **SECTION 4. Effective date.**

