



2009 ASSEMBLY BILL 508

October 20, 2009 – Introduced by Representatives SEIDEL, ZIGMUNT, VRUWINK, TURNER, CLARK, BERCEAU, PRIDEMORE, SINICKI, GRIGSBY and KESSLER, cosponsored by Senators TAYLOR and PLALE. Referred to Committee on Children and Families.

- 1 **AN ACT** *to renumber and amend* 767.405 (14) (b) of the statutes; **relating to:**
2 submitting custody study reports to the parties and offering custody study
3 reports in accordance with the rules of evidence.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce, if there is a minor child and the parties do not agree on legal custody or physical placement, the parties must be referred to mediation to attempt to resolve the contested issues. The court may order a person or entity designated by the county to conduct a legal custody or physical placement study to investigate such issues as the conditions of the child's home, the parties' performance of parental duties, and whether either party has engaged in domestic abuse. The report that results from the study is submitted to the court, made available to the parties, and made a part of the record of the action unless the court orders otherwise. This bill requires that the report be submitted to both the court and the parties at least ten days before it is introduced into evidence. The court may review the report but may not rely upon it as evidence before it is properly introduced. The report must be offered in accordance with the rules of evidence, and is a part of the record in the action if it is so offered and admitted into evidence.

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

