



WISCONSIN LEGISLATIVE COUNCIL  
REPORT TO THE LEGISLATURE

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SPECIAL COMMITTEE ON  
RECODIFICATION OF  
CH. 767, STATS.,  
ACTIONS AFFECTING  
THE FAMILY  
[*2005 SENATE BILL 123*]

April 11, 2005

RL 2005-05



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**Special Committee on Recodification of Ch. 767, Stats.,  
Actions Affecting the Family**

Prepared by:  
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April 11, 2005

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**CONTENTS**

<b>PART I - KEY PROVISIONS OF COMMITTEE RECOMMENDATION .....</b>	<b>3</b>
2005 Senate Bill 123, Relating to Reorganizing and Revising Ch. 767 of the Statutes.....	3
<b>PART II - COMMITTEE ACTIVITY.....</b>	<b>5</b>
Assignment.....	5
Summary of Meetings.....	5
<b>PART III - RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL .....</b>	<b>7</b>
Background .....	7
Description .....	7
Appendix 1 - Committee and Joint Legislative Council Votes .....	13
Appendix 2 - Lists of Joint Legislative Council Members .....	15
Appendix 3 - List of Committee Members.....	17
Appendix 4 - Committee Materials List.....	19
Appendix 5 - Reorganized Ch. 767 and Newly Created Subchapters .....	23



# PART I

## KEY PROVISIONS OF COMMITTEE RECOMMENDATION

The Special Committee on Recodification of Ch. 767, Stats., Actions Affecting the Family recommends the following proposal to the Joint Legislative Council for introduction in the 2005-06 Session of the Legislature.

### **2005 Senate Bill 123, Relating to Reorganizing and Revising Ch. 767 of the Statutes**

Senate Bill 123, relating to reorganizing and revising ch. 767 of the statutes does the following:

- Substantially reorganizes ch. 767.
- Makes nonsubstantive editorial changes to ch. 767 provisions.
- Repeals several provisions of the chapter considered no longer necessary.
- Makes substantive changes that appear to be relatively noncontroversial, including:
  - ◆ Repeals current requirements that Social Security numbers of parties and children be included in the petition and judgment, replacing those requirements with a new requirement intended to ensure the confidentiality of that information.
  - ◆ Requires judgments in actions affecting the family to include general notice regarding: the possibility the parties may have to take additional actions in order to transfer an interest in property in accordance with the property division set forth in a judgment; the possibility a creditor may be able to proceed against a party or against that party's property even though the party is not responsible for the debt under the terms of the judgment; and the possibility a party may have to take additional action to change a beneficiary in connection with an instrument executed by the party before the judgment if the party wishes to make a change in the beneficiary designation.
- Concerning paternity actions:
  - ◆ Eliminates waiver of first appearance.
  - ◆ Makes default judgment orders effective immediately.
  - ◆ Authorizes a court to enter a default judgment when an alleged father has a genetic test result of 99% or higher, even though there might be another alleged untested father.
  - ◆ Requires genetic tests on every paternity case except defaults, voluntary acknowledgments, and certain deceased father cases.
  - ◆ Prohibits minor parents from signing voluntary paternity acknowledgments.



## PART II

### COMMITTEE ACTIVITY

#### Assignment

The Joint Legislative Council established the Special Committee on Recodification of Ch. 767, Stats., Actions Affecting the Family, and appointed the co-chairs by a May 22, 2002 mail ballot. The committee was directed to conduct a recodification of ch. 767, Stats., including possibly reorganizing the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions and making minor substantive changes.

Membership of the Special Committee, appointed by a July 15, 2002 mail ballot, consisted of two Senators, two Representatives, and four Public Members. A list of the committee membership is set forth in *Appendix 3*.

#### Summary of Meetings

Reflecting the technical nature of much of the recodification, the co-chairs of the Special Committee appointed a Drafting Subcommittee in order to expedite the deliberations of the full committee. The Subcommittee consisted of the four Public Members of the Special Committee and any legislator member of the full committee who wished to attend and participate. The Drafting Subcommittee was directed to prepare draft legislation, consistent with the Special Committee's assignment. The Drafting Subcommittee was encouraged to work on a consensus basis and identify those areas where consensus could not be reached and to identify any policy decisions made by the Drafting Subcommittee for review by the Special Committee.

The Drafting Subcommittee held five meetings in Madison on the following dates:

October 30, 2002  
December 5, 2002  
January 10, 2003  
February 14, 2003  
March 21, 2003

During the course of the five meetings, the Drafting Subcommittee developed a draft proposal recodifying ch. 767, Stats., for consideration by the Special Committee. The Drafting Subcommittee was assisted by interested persons in its deliberations, including Janet Nelson, Milwaukee County Department of Child Support Enforcement; Lucy Cooper, Milwaukee County Family Court Commissioner's office; Connie Chesnick, Department of Workforce Development; and Sheryl Gervasi, Director of State Courts Office. The latter two persons served as legislative liaisons for their respective agencies. In addition, the Drafting Subcommittee heard from interested persons regarding paternity provisions being considered for inclusion in the draft.

The Special Committee met on June 16, 2003 to review and consider the draft proposal developed by the Drafting Subcommittee. The Special Committee reviewed the new organizational structure of the chapter; reviewed and discussed substantive revisions and some of the more important clarifications; and reviewed issues that had not received final review by the Drafting Subcommittee. At the conclusion of the meeting of the Special Committee, the co-chairs directed staff to prepare another draft reflecting the Special Committee's review and indicated that the co-chairs would distribute that draft to interested parties to obtain additional comment on the draft. The co-chairs indicated that, following the review by other interested parties, they would submit the draft for final approval of the Special Committee by mail ballot. A mail ballot to the Special Committee was sent on August 28, 2003.



# PART III

## RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, 2005 Senate Bill 123, relating to reorganizing and revising ch. 767, Stats., as recommended by the Special Committee on Recodification of Ch. 767, Stats., Actions Affecting the Family.

### Background

Chapter 767, Stats., actions affecting the family, is part of a series of five consecutive chapters relating to “the family” in the Wisconsin Statutes. Chapter 765, Stats., contains provisions relating generally to marriage. Chapter 766 contains the basic provisions of the marital property law, which governs the property rights of married persons. Chapter 768 abolishes actions for breach of contract to marry, alienation of affections, and criminal conversation. Chapter 769 contains the Uniform Interstate Family Support Act.

Chapter 767 addresses a variety of topics, including: actions to affirm marriage; annulment, divorce, and legal separation; child custody, physical placement, and visitation; support, including child support; spousal maintenance; property division; paternity; and enforcement, modification, and revision of various judgments in actions affecting the family. The chapter consists of 90 individual sections comprising nearly 44 double-columned pages of the Wisconsin Statutes (the page count includes considerable annotations following some of the individual sections). In contrast, following a 1959 recodification, the chapter consisted of 35 individual sections comprising 11 pages (not double-columned) of the Wisconsin Statutes. See Ch. 595, Laws of 1959, and ch. 247, 1959 Wisconsin Statutes. It is interesting to note that a review of the chapter on actions affecting the family was recommended by the 1957 Legislature because, among other reasons: “(1) the statutes have not been revised for many years except through piecemeal amendments; (2) amendments have made the statutes increasingly more complicated.” Wisconsin Legislative Council, *General Report*, Vol. 5, p. 68 (January 1959).

Since the 1959 recodification the chapter has again grown in size and complexity. Paternity provisions were added to the chapter by Ch. 352, SECS. 20 through 25, Laws of 1959. During the 1977 and 1979 legislative sessions, the divorce law was substantially revised, including: (1) establishing the irretrievable breakdown ground for divorce; and (2) providing for a modified equitable division of property upon divorce. See Ch. 105, Laws of 1977; Ch. 196, Laws of 1979. Since the 1977 and 1979 revisions, additional statutory changes have been made to ch. 767, including changes in child support and child custody.

The treatment and expansion of ch. 767 since the 1959 recodification, particularly in the last 25 years, has resulted in a disorganized chapter, which can be difficult to use.

### Description of Senate Bill 123

- **Generally**

Senate Bill 123:

1. Reorganizes ch. 767 by:
  - Creating nine subchapters and relocating provisions within the chapter.

- Reorganizing individual sections, or portions of sections, by combining them with other sections, dividing single sections into two or more sections, and internally reorganizing single sections.
2. Makes nonsubstantive editorial changes to modernize language and for consistency with current drafting style.
  3. Revises section titles, where appropriate, and provides subsection titles throughout the chapter.
  4. Repeals several provisions considered no longer necessary.
  5. Makes substantive changes the Special Committee concluded are relatively noncontroversial.

It is intended that, unless expressly noted, the bill makes no substantive changes in the statutory provisions treated by the bill. Substantive changes in the bill are identified in notes to the provisions substantively affected. If a question arises about the effect of any modification made by the bill, it is intended that the revisions in the bill be construed to have the same effect as the prior statutes.

For convenience, a table of contents listing all section numbers of reorganized ch. 767 and the newly created subchapters is included **Appendix 5** to this report.

- ***Specifically***

Summarized below are substantive revisions and selected clarifications contained in the bill. The provisions identified generally follow the order in which they appear in the bill. Paternity-related provisions are identified at the end of the listing.

The bill:

1. Clarifies that the notice and service of process standards under current s. 767.027 apply to actions to modify child support orders and judgments, in addition to actions to enforce those orders and judgments. [SECTION 21, p. 13.]
2. Repeals current requirements that Social Security numbers of parties and children be included in the petition and judgment. [SECTIONS 47, p. 24 and 170, pp. 96 and 97.] Replaces those requirements with a new requirement that when a petition in an action affecting the family is filed, the filing party must submit a separate form, furnished by the court, containing the Social Security numbers. The form must be maintained with confidential financial information or maintained separately from the case file. The form may be disclosed only to the parties and their attorneys, a county child support enforcement agency, or any other person authorized by law or court order to have access to the information on the form. [SECTION 84, p. 43.]
3. Deletes the requirement of current s. 767.11 (12) (a) that the mediator of a written agreement resolving issues of legal custody or periods of physical placement certify that the agreement is “in the best interest of the child” based on information presented to the mediator. [Section 57, p. 32, l. 25, p. 33, l. 1.]
4. Clarifies that the appearance requirement under current s. 767.125 for the parties in an action affecting the family extends to final hearings, not just trials. [SECTION 67, p. 38.]
5. Repeals s. 767.14, which requires service of all pleadings on the circuit court commissioner supervising the Office of Family Court Commissioner and authorizes a circuit court commissioner to appear in an action affecting the family when appropriate. [SECTION 69, p. 38.]

6. Clarifies when motions for a 60-day extension for serving the initial papers must be made and the standard for granting the motion if made more than 90 days after filing the papers: the court may, for good cause, order an additional 60-day extension for service if the motion is made within 90 days after filing the initial papers; if the extension is not made within the 90-day period, the court may grant the motion only upon excusable neglect for failure to act and good cause shown for granting the extension. [SECTION 71, p. 39.]
7. In current s. 767.19 (1), substitutes as the standard for impounding and denying access to the record or evidence in an action affecting the family, “good cause shown,” for “in the interest of public morals.” [SECTION 76, p. 41.]
8. Expressly authorizes a request for and determination of legal custody and physical placement in conjunction with an action to compel support and maintenance under current s. 767.08. [SECTION 96, pp. 48 and 49 and 217, p. 117.]
9. Clarifies, for purposes of interest on child support arrearages that the court may also determine amounts owed for previously ordered specific expenses related to the support of a child and may add the amounts to any other arrearage. [SECTION 105, p. 59.]
10. Clarifies that an order under current s. 767.263 concerning notice of a change of employer, address, or ability to pay in connection with support or maintenance is enforceable by contempt. [SECTION 113, pp. 62 and 63.]
11. Clarifies for purposes of current s. 767.265, relating to assignment of income for payment obligations, when the 10-day period commences for the payer to request a hearing and for the court to hold a hearing. [SECTION 117, p. 65 ll. 5 to 8 and p. 66, ll. 4 to 9.]
12. Expressly requires disclosure of “retirement interests” as part of required financial disclosure in actions affecting the family. [SECTION 121, p. 70, l. 20.] Includes a current income statement and the most current W-2 statement as part of the required financial disclosure. [SECTION 121, p. 71, ll. 2 to 4.]
13. Repeals and recreates current s. 767.293, concerning reconciling percentage-expressed support orders for enhanced clarity and to relieve courts and court commissioners from determining the amount of any arrearage that may exist; instead, the determination of amounts owing will be made by the county child support agency. [SECTIONS 133, p. 80 and 235, p. 125.]
14. Authorizes a court to appoint a receiver, under current s. 767.31, as an alternative to a trustee, to handle maintenance or support obligations. [SECTION 144, p. 85.]
15. Deletes the requirement of current s. 767.32 (1) (a) that the Office of Family Court Commissioner receive notice of a petition, motion, or order to show cause for revision of a support or maintenance order. [SECTION 148, p. 86, ll. 18 and 19.]
16. Expressly provides that a court need not accept a stipulation to revise a physical placement or legal custody order when the court finds that the modification is not in the best interests of the child. [SECTION 166, p. 94.]
17. With respect to judgments in actions affecting the family:
  - a. Clarifies responsibility for preparation and approval of the draft findings, conclusions, and judgment: prepared by the petitioner unless the court otherwise directs; and approved by all counsel appearing, including a guardian ad litem and child support enforcement agency attorney, and any other person designated by the court or local rule. [SECTION 170, p. 97, ll. 7 to 20.]

- b. Requires final written agreements and stipulations to be appended to the judgment, unless set forth in the judgment, and incorporated by reference. [Section 170, p. 97, ll. 4 and 6.]
  - c. Clarifies that the party who prepared the judgment is to provide copies to the clerk and the copies are to include any attachments referenced in the judgment. [SECTION 171, pp. 97 and 98.]
- 18. Deletes obsolete language in current s. 767.37 (2) concerning court authority to direct a circuit court commissioner or appoint an attorney to bring an action for vacating a divorce judgment. [Section 172, pp. 98 and 99.]
- 19. Clarifies court notice to the parties concerning the time limitation on remarrying under s. 765.03 (2): the court is to inform the parties that the divorce judgment is effective when granted but that it is unlawful under s. 765.03 (2) for a party to marry again until six months after the judgment is granted. [SECTION 173, p. 99.]
- 20. Repeals s. 767.42, authorizing a county to seize and sell property for the support of a spouse or child if a person abandons and fails to support the spouse or child. [Section 182, p. 101.]
- 21. Concerning judgments dividing property of the parties:
  - a. Clarifies that a deed consistent with the judgment as it affects real property may be recorded in lieu of the judgment. [SECTION 232, p. 123, ll. 1 to 4.]
  - b. Requires the following notices to be included in the judgment: (1) notification that it may be necessary for the parties to take additional actions in order to transfer an interest in their property in accordance with the division of property set forth in the judgment including, but not limited to, interests in real property, interest in retirement benefits, and contractual interests; (2) notification that the judgment does not necessarily affect the ability of a creditor to proceed against a party or against that party's property even though the party is not responsible for the debt under the terms of the judgment; (3) notification that an instrument executed by a party before the judgment naming the other party as a beneficiary is not necessarily affected by the judgment and it may be necessary to revise the instrument if a change in beneficiary is desired. [SECTION 232, p. 123, ll. 10 to 20.]

The bill makes the following changes to paternity-related provisions:

1. Revises the current summons form where the mother is the petitioner to reflect changes made by the draft to make default judgments effective immediately and to eliminate waiver of first appearance. [SECTION 186, p. 106.]
2. Provides new summons forms for situations when the alleged father is the petitioner and where a nonparent is the petitioner. [SECTION 243, pp. 129 to 132.]
3. Repeals and recreates the notice that must be attached to the summons in a paternity action. [SECTION 187, p. 107 and SECTION 244, pp. 132 to 134.] The changes in the required notice are described in the Note to SECTION 244, found on p. 134.
4. Eliminates the waiver of first appearance in paternity actions. [SECTIONS 188, p. 107; 194, p. 108; and 204, p. 112.]
5. For paternity actions where the respondent is deceased: (a) permits the appointment of a guardian ad litem to represent the interests of a deceased respondent when there is no personal representative; and (b) requires genetic tests if genetic material is available without undue hardship from the deceased or relatives of the deceased (exhumation is

rebuttably presumed an undue hardship). [SECTION 200, p. 110 and SECTIONS 256 and 257, pp. 136 and 137.]

6. Makes default judgment orders in paternity actions effective immediately. [SECTION 203, p. 111, ll. 20 to 24.]
7. Authorizes a court to enter a default judgment when an alleged father has a genetic test result of 99% or higher, even though there might be another alleged untested father. [SECTION 262, p. 139.]
8. Specifies that if paternity is voluntarily acknowledged under current s. 767.62, the mother has sole legal custody until the court orders otherwise. [SECTION 208, p. 113.]
9. Requires genetic tests in every paternity case except defaults, voluntary acknowledgments, and certain deceased father cases. [SECTION 211, p. 114.]
10. Codifies a court of appeals decision clarifying that current s. 767.327 (moving child's residence within or outside the state) does not apply to paternity actions. [SECTION 213, p. 115.]
11. Prohibits minor parents from signing voluntary paternity acknowledgments. [SECTION 242, p. 129.]
12. Permits the use of names, rather than initials, on pleadings in paternity actions once paternity is established. [SECTION 245, p. 135.]

#### **Effective Date**

If enacted, the bill becomes effective July 1, 2006. See SECTION 267, p. 150. Note, also, that the initial applicability of several provisions treated by the bill is given separate treatment. See SECTION 266, beginning on p. 148.



## Appendix 1

### Committee and Joint Legislative Council Votes

The following draft was recommended by the Special Committee on Recodification of Ch. 767, Stats., Actions Affecting the Family, to the Joint Legislative Council for introduction in the 2003-04 Session of the Legislature.

#### Special Committee Votes

By a mail ballot dated August 28, 2003, the Special Committee voted to recommend WLC: 0191/P2 to the Joint Legislative Council for introduction in the 2003-04 Session of the Legislature. The vote on the draft is as follows:

- WLC: 0191/P2, relating to reorganizing and revising ch. 767, Stats.: Ayes, 8 (Sens. Meyer and Plale; Reps. Grothman and Owens; and Public Members Bruch, Drew, Fleishman, and McManus); and Noes, 0.

#### Joint Legislative Council Votes

At its February 25, 2004 meeting, the Joint Legislative Council approved for introduction in the Legislature WLC: 0191/P2, relating to reorganizing and revising ch. 767, of the statutes, by a vote of Ayes, 16; Noes, 0; and Absent, 6.

Due to the size and technical complexity of WLC: 0191/P2, there was insufficient time in the 2003-04 Legislative Session to prepare a formal bill draft for introduction. The formal version of WLC: 0191/P2 is LRB-1817/1, which the Joint Legislative Council approved for reintroduction at its March 9, 2005 meeting by a vote of Ayes, 18; Noes, 0; Absent 4. LRB1817/1 was introduced as 2005 Senate Bill 123.



## Appendix 2

### Joint Legislative Council

s. 13.81, Stats.

*[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]*

#### **Co-Chair**

**ALAN LASEE**

*Senate President*

2259 Lasee Road  
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1360 Alpine Lane  
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This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

## Joint Legislative Council

*[Current Joint Legislative Council Members Receiving Committee Report]*

### Co-Chair

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309 North Baldwin St.  
Madison, WI 53703

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees. [s. 13.81, Stats.]

**Recodification of Ch. 767, Stats.,  
Actions Affecting the Family**

**Representative Glenn Grothman, Co-Chair**  
111 South 6th Avenue  
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**Senator Mark Meyer, Co-Chair**  
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**STUDY ASSIGNMENT:** The Committee shall conduct a recodification of ch. 767, Stats., relating to actions affecting the family. The recodification may include a study of possible reorganization of the chapter in a logical manner, renumbering and retitling sections, consolidating related provisions, modernizing language, resolving ambiguities in language, codifying court decisions and making minor substantive changes.

Established and Co-Chairs appointed by a May 22, 2002 mail ballot; members appointed by a July 15, 2002 mail ballot.

**8 MEMBERS:** 1 Senator; 3 Representatives; and 4 Public Members.

**LEGISLATIVE COUNCIL STAFF:** Don Dyke, Chief of Legal Services; Don Salm, Senior Staff Attorney; and Tracey Uselman, Support Staff.



## Committee Materials List

### August 28, 2003 Mail Ballot

#### [Mail Ballot](#)

[Memorandum](#), Summary Outline of New Subchapters Created and Current Provisions Treated by WLC: 0191/P2, Relating to Reorganizing and Revising Ch. 767, Stats.(6-26-03)

[Memorandum](#), Summary of Revisions and Selected Clarifications Contained in WLC: 0191/P2 (Relating to Reorganizing and Revising Ch. 767 of the Statutes) (6-30-03)

[WLC: 0191/P2](#), relating to reorganizing and revising chapter 767 of the statutes

### June 16, 2003 Meeting

[Memorandum](#), Summary Outline of New Subchapters Created and Current Provisions Treated by WLC: 0191/P1 (6-04-03)

[WLC: 0191/P1](#), relating to reorganizing and revising chapter 767 of the statutes

### March 21, 2003 Drafting Subcommittee Meeting

[Notice](#) of Drafting Subcommittee meeting

[Agenda](#) of the March 21, 2003 meeting

[Memorandum](#), Summary Outline of Current Provisions Treated and New Subchapters Created by Drafts Prepared to Date (3-11-03)

[WLC: 0004/4](#), relating to annulment, divorce, legal separation

[WLC: 0010/3](#), relating to child custody, placement, and visitation

[WLC: 0046/4](#), relating to general procedure

[WLC: 0055/4](#), relating to support and maintenance

[WLC: 0100/3](#), relating to paternity

[2001 Assembly Bill 149](#) (the provisions of this proposal have been removed from WLC: 0010/3)

### February 14, 2003 Drafting Subcommittee Meeting

[Notice](#) of Drafting Subcommittee meeting

[Agenda](#) of the February 14, 2003 meeting

[Memorandum](#), Summary Outline of Current Provisions Treated and New Subchapters Created by Drafts Prepared to Date (2-4-03)

[WLC: 0004/3](#), relating to annulment, divorce, legal separation

[WLC: 0005/3](#), relating to property division

[WLC: 0006/3](#), relating to definitions, scope, jurisdiction, and recognition of judgments

[WLC: 0008/3](#), relating to provisions of general application

[WLC: 0010/2](#), relating to child custody, placement, and visitation

[WLC: 0046/3](#), relating to general procedure

[WLC: 0055/3](#), relating to support and maintenance

[WLC: 0056/3](#), relating to enforcement

[WLC: 0100/2](#), relating to paternity

[Paternity Summons](#) for a Father Petitioner, submitted by Attorney Janet A. Nelson

[Paternity Summons](#) for a Nonparent Petitioner, submitted by Attorney Janet A. Nelson

## **January 10, 2003 Drafting Subcommittee Meeting**

[Agenda](#) of the January 10, 2003 meeting

[Memorandum](#), Summary Outline of Current Provisions Treated and New Subchapters Created by Drafts Prepared to Date (1-3-03)

[WLC: 0004/2](#), relating to annulment, divorce, legal separation

[WLC: 0005/2](#), relating to property division

[WLC: 0006/2](#), relating to definitions, scope, jurisdiction, and recognition of judgments

[WLC: 0008/2](#), relating to provisions of general application

[WLC: 0046/2](#), relating to general procedure

[WLC: 0055/2](#), relating to support and maintenance

[WLC: 0056/2](#), relating to enforcement

[WLC: 0100/1](#), relating to paternity

[Notice](#) of Drafting Subcommittee meeting

## **December 5, 2002 Drafting Subcommittee Meeting**

[Agenda](#) of the December 5, 2002 meeting

[Memorandum](#), Summary Outline of Current Provisions Treated and New Subchapters Created by Drafts Prepared to Date (11-25-02)

[WLC: 0004/1](#), relating to annulment, divorce, legal separation

[WLC: 0005/1](#), relating to property division

[WLC: 0006/1](#), relating to definitions, scope, jurisdiction, and recognition of judgments

[WLC: 0008/1](#), relating to provisions of general application

[WLC: 0010/1](#), relating to child custody, placement, and visitation

[WLC: 0046/1](#), relating to general procedure

[WLC: 0056/1](#), relating to enforcement

## **October 30, 2002 Drafting Subcommittee Meeting**

[Agenda](#) of the October 30, 2002 meeting

[Memo No. 1](#), Introduction to the Recodification of Ch. 767, Stats. (9-20-02)

[Ch. 767](#), Stats., Actions Affecting the Family

[WLC: 0004/P1](#), relating to annulment, divorce, legal separation

[WLC: 0005/P1](#), relating to property division

[WLC: 0006/P1](#), relating to definitions, scope, jurisdiction, and recognition of judgments

[WLC: 0008/P1](#), relating to provisions of general application

[WLC: 0010/P1](#), relating to child custody, placement, and visitation

[Notice](#) of Drafting Subcommittee meeting



**Reorganized Ch. 767 and Newly  
Created Subchapters**

**Subchapter I**

**Definitions, scope, jurisdiction, and  
recognition of judgments**

767.001	Definitions.
767.005	Scope.
767.01	Jurisdiction.
767.041	Full faith and credit; comity.
767.055	Uniform divorce recognition act.

**Subchapter II**

**Provisions of general application**

767.105	Information from the office of family court commissioner.
767.117	Prohibited acts during pendency of action.
767.127	Financial disclosure.
767.13	Impoundment of record.
767.16	Court commissioner or law partner; when interested; procedure.
767.17	Review of circuit court commissioner decisions.
767.18	Actions to affirm marriage.

**Subchapter III**

**General procedure**

767.201	Civil procedure generally governs.
767.205	Parties; title of actions.
767.215	Initiating action; petition and response.
767.217	Notice to child support program.
767.225	Orders during pendency of action.
767.235	Trial or hearing on judgment.
767.241	Award of attorney fees and other fees and costs.
767.251	Content, preparation, and approval of judgment.
767.264	Dismissal; vacation; substitution or withdrawal of attorney.
767.273	Allowances pending appeal.
767.281	Filing procedures and orders for enforcement or modification of judgments or orders.

**Subchapter IV**

**Annulment, divorce, legal separation**

767.301	Residence requirements.
767.313	Annulment.
767.315	Grounds for divorce and legal separation.

767.317	Defenses abolished.
767.323	Suspension of proceedings to effect reconciliation.
767.331	Actions for certain interspousal remedies.
767.335	Waiting period for final hearing or trial.
767.34	Court-approved stipulation.
767.35	Judgment of divorce or legal separation.
767.36	Copies of judgment to parties.
767.375	Effect on transfers at death.
767.385	Maintenance, legal custody, and support when divorce or separation denied.
767.395	Name of spouse.

### **Subchapter V**

#### **Child custody, placement, and visitation**

767.401	Educational programs and classes.
767.405	Family court services.
767.407	Guardian ad litem for minor children.
767.41	Custody and physical placement.
767.43	Visitation rights of certain persons.
767.44	Prohibiting visitation or physical placement if a parent kills other parent.
767.451	Revision of legal custody and physical placement orders.
767.461	Revisions agreed to by stipulation.
767.471	Enforcement of physical placement orders.
767.481	Moving the child's residence within or outside the state.

### **Subchapter VI**

#### **Support and maintenance**

767.501	Actions to compel support.
767.511	Child support.
767.513	Child health care expenses.
767.521	Action by state for child support.
767.531	Family support.
767.54	Required exchange of financial information.
767.55	Child support: employment-related orders.
767.553	Annual adjustments in support orders.
767.56	Maintenance.
767.57	Maintenance, child support, and family support payments; fees.
767.58	Notice of change of employer, address, and ability to pay; other information.
767.59	Revision of support and maintenance orders.

### **Subchapter VII**

#### **Property division**

767.61	Property division.
767.63	Disposed assets may be subject to division.

## **Subchapter VIII**

### **Enforcement**

- 767.70 Child support enforcement: notice and service of process.
- 767.71 Reconciling percentage-expressed support orders.
- 767.73 Delinquent child or family support; suspension of operating privilege.
- 767.75 Assignment of income for payment obligation.
- 767.76 Account transfers.
- 767.77 Enforcement of payment obligations.
- 767.78 Enforcement; contempt proceedings.

## **Subchapter IX**

### **Paternity**

- 767.80 Determination of paternity.
- 767.803 Determination of marital children.
- 767.805 Voluntary acknowledgment of paternity.
- 767.813 Summons.
- 767.814 Names on pleadings after paternity established.
- 767.815 Enlargement of time in a paternity action.
- 767.82 Paternity procedures.
- 767.83 Right to counsel.
- 767.84 Genetic tests in paternity actions.
- 767.85 Temporary orders.
- 767.853 Paternity hearings and records; confidentiality.
- 767.855 Dismissal if adjudication not in child's best interest.
  
- 767.86 Time of first appearance.
- 767.863 First appearance.
- 767.865 Deceased respondent.
- 767.87 Testimony and evidence relating to paternity.
- 767.88 Pretrial paternity proceedings.
- 767.883 Trial.
- 767.89 Paternity judgment.
- 767.893 Default and stipulated judgments.
- 767.895 Motion to reopen judgment based on statement acknowledging paternity.