

State of Wisconsin



2021 Assembly Bill 722

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 767.35 (3); and *to create* 767.333 of the statutes; **relating to:** stipulated orders before judgment in actions for divorce, annulment, or legal separation.

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

SECTION 1. 767.333 of the statutes is created to read:

767.333 Initial orders based on stipulation prior to judgment. (1) INITIAL ORDERS BASED ON STIPULATION ALLOWED. Prior to obtaining a judgment of divorce, annulment, or legal separation, the parties may agree to physical placement, legal custody, child support, property division, maintenance, or related provisions. If the parties agree on one or more of the issues set forth under this section, the parties shall file a stipulation with the court that specifies the agreed-upon terms.

(2) STIPULATIONS REGARDING LEGAL CUSTODY, PHYSICAL PLACEMENT, OR RELATED PROVISIONS. (a) If the judge approves the stipulation, the judge shall incorporate and enter the terms of a stipulation regarding legal custody, physical placement, or related provisions as an initial order of physical placement or legal custody unless the judge finds that the terms are not in the best interest of the child.

(b) The provisions for modifications of orders regarding legal custody or physical placement under this section shall commence on the date of entry of the order, not the date of judgment, for purposes of s. 767.451.

(c) Prior to entering a stipulation under this section, the judge shall comply with any requirements under s. 767.41.

(d) If the judge finds that a parent has engaged in a pattern or serious incident of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), the safety and well-being of the child and the safety of the parent who was the victim of the battery or abuse shall be paramount concerns in determining legal custody and periods of physical placement.

(e) A stipulation under this section is effective and enforceable as an initial order regarding legal custody or physical placement when entered, pursuant to s. 767.41.

(3) STIPULATIONS REGARDING CHILD SUPPORT. Prior to approving a stipulation under this section regarding child support, the judge shall comply with any requirements under s. 767.511. A party seeking modification of a stipulation entered under this section regarding child support must comply with s. 767.59.

(4) STIPULATIONS REGARDING MAINTENANCE. Prior to approving a stipulation under this section regarding maintenance, the judge shall comply with any requirements under s. 767.56. A party seeking modification of

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

a stipulation entered under this section regarding maintenance must comply with s. 767.59.

(5) STIPULATIONS REGARDING PROPERTY DIVISION. Prior to approving a stipulation under this section regarding property division, the judge shall comply with any requirements under s. 767.61. A party seeking relief from a stipulation entered under this section regarding property division must comply with s. 806.07.

(6) HEARING. (a) Prior to entering a stipulation under this section, the judge shall hold a hearing on the record with both parties and the child support agency, if a party, to determine the parties' understanding of the stipulation and ensure that it is intended by both parties as the initial order on the terms set forth.

(b) Any hearing held under par. (a) may be held by

telephone, video, or electronic means. A party or a party's attorney may appear via telephone or video for good cause shown, but each party is required to attend the hearing by telephone, video, electronic means, or in person.

SECTION 2. 767.35 (3) of the statutes is amended to read:

767.35 (3) WHEN DIVORCE JUDGMENT EFFECTIVE. A judgment of divorce is effective when granted. A court granting a judgment of divorce shall inform the parties appearing in court that the judgment is effective when granted but that it is unlawful under s. 765.03 (2) for a party to marry again until 6 months after the judgment is granted. This section does not prevent application of enforceable orders prior to the divorce judgment as set forth in s. 767.333.
