

ROCK COUNTY, WISCONSIN



**Board of Supervisors
51 South Main Street
Janesville, WI 53545
(608)757-5510**

**COUNTY BOARD STAFF COMMITTEE
TUESDAY – SEPTEMBER 13, 2011 – 4:00 P.M.
CONFERENCE ROOM N-1 – FIFTH FLOOR
ROCK COUNTY COURTHOUSE-EAST**

Agenda

1. Call to Order & Approval of Agenda
2. Citizen Participation, Communications and Announcements
3. Approval of Bills/Transfers/Pre-Approved Encumbrances
4. Resolutions
 - A. Recommending Passage of 2011 Assembly Bill 54, Committee on Children and Families, to Amend Wis. Stats. 767 Relating to Equalizing Physical Placement to the Highest Degree
5. Adjournment

Account Number	Name	Yearly Prcnt Appropriation Spent	YTD Expenditure	Encumb Amount	Unencumb Balance	Inv/Enc Amount	Total
0616200000-64200	TRAINING EXP	3,950.00 34.8%	1,500.00	-125.00	2,575.00		
	P1103040-PO# 09/01/11 -VN#041779			UNIVERSITY OF WISCONSIN	EXTENS	125.00	
			CLOSING BALANCE		2,450.00		125.00
	CORP. COUNSEL		PRG-TOTAL-PO			125.00	

I HAVE EXAMINED THE PRECEDING BILLS AND ENCUMBRANCES IN THE TOTAL AMOUNT OF \$125.00
 INCURRED BY CORPORATION COUNSEL. CLAIMS COVERING THE ITEMS ARE PROPER
 AND HAVE BEEN PREVIOUSLY FUNDED. THESE ITEMS ARE TO BE TREATED AS FOLLOWS

- A. BILLS AND ENCUMBRANCES OVER \$10,000 REFERRED TO THE COUNTY BOARD.
- B. BILLS UNDER \$10,000 TO BE PAID.
- C. ENCUMBRANCES UNDER \$10,000 TO BE PAID UPON ACCEPTANCE BY THE DEPARTMENT HEAD.

COUNTY BOARD STAFF COMMITTEE APPROVES THE ABOVE. COM-APPROVAL _____ DEPT-HEAD

SEP 13 2011

DATE _____ CHAIR

Account Number	Name	Yearly Prct Appropriation Spent	YTD Expenditure	Encumb Amount	Unencumb Balance	Inv/Enc Amount	Total
0814200000-61920	PHYSICALS	10,320.00 100.5%	12,043.75	-1,662.24	-61.51		
		09/01/11 -VN#020790	YEADON, PHILLIP			50.00	
		09/01/11 -VN#042798	PUCKETT, MICHAEL H			50.00	
		09/01/11 -VN#043652	LUEDER, CATHERINE			50.00	
		09/01/11 -VN#044066	PUCKETT, MARY L			50.00	
*** OVERDRAFT ***			CLOSING BALANCE		-261.51		200.00
0814200000-64200	TRAINING EXP	44,374.00 48.6%	21,074.47	518.46	22,781.07		
		09/01/11 -VN#044396	IHRKE, CONNIE			91.26	
	P1103034-PO#	09/01/11 -VN#051244	MBV WORLD			20.00	
			CLOSING BALANCE		22,669.81		111.26
	HUMAN RESOURCES		PROG-TOTAL-PO			311.26	

I HAVE EXAMINED THE PRECEDING BILLS AND ENCUMBRANCES IN THE TOTAL AMOUNT OF \$311.26 INCURRED BY HUMAN RESOURCES. CLAIMS COVERING THE ITEMS ARE PROPER AND HAVE BEEN PREVIOUSLY FUNDED. THESE ITEMS ARE TO BE TREATED AS FOLLOWS

- A. BILLS AND ENCUMBRANCES OVER \$10,000 REFERRED TO THE COUNTY BOARD.
- B. BILLS UNDER \$10,000 TO BE PAID.
- C. ENCUMBRANCES UNDER \$10,000 TO BE PAID UPON ACCEPTANCE BY THE DEPARTMENT HEAD.

COUNTY BOARD STAFF COMMITTEE APPROVES THE ABOVE. COM-APPROVAL _____ DEPT-HEAD

SEP 13 2011

DATE _____ CHAIR

Account Number	Name	Yearly Prcnt Appropriation Spent	YTD Expenditure	Encumb Amount	Unencumb Balance	Inv/Enc Amount	Total
1919320000-64904	SUNDRY EXPENSE	8,400.00 42.9%	1,881.67	1,728.61	4,789.72		
	P1103105-PO# 09/01/11 -VN#016055			SENTRY FOODS INC STORE #375		51.18	
			CLOSING BALANCE		4,738.54		51.18
	EMPL.RELATED		PROG-TOTAL-PO			51.18	

I HAVE EXAMINED THE PRECEDING BILLS AND ENCUMBRANCES IN THE TOTAL AMOUNT OF \$51.18 INCURRED BY EMPLOYEE RELATED. CLAIMS COVERING THE ITEMS ARE PROPER AND HAVE BEEN PREVIOUSLY FUNDED. THESE ITEMS ARE TO BE TREATED AS FOLLOWS

- A. BILLS AND ENCUMBRANCES OVER \$10,000 REFERRED TO THE COUNTY BOARD.
- B. BILLS UNDER \$10,000 TO BE PAID.
- C. ENCUMBRANCES UNDER \$10,000 TO BE PAID UPON ACCEPTANCE BY THE DEPARTMENT HEAD.

COUNTY BOARD STAFF COMMITTEE APPROVES THE ABOVE. COM-APPROVAL _____ DEPT-HEAD

SEP 13 2011

DATE _____ CHAIR

PURCHASE ORDER NUMBER P1100299 PEID 047987

PRE-APPROVED ENCUMBRANCE AMENDMENT FORM

This form must be used when adding funds to or changing an account number of a previously approved encumbrance. Please complete this form and send to your governing committee for approval. The Encumbrance and Purchase Order will be updated upon approval of all necessary committees and County Board (if amendment is over \$10,000).

DEPARTMENT Human Resources

COMMITTEE County Board Staff

VENDOR NAME COMPSYCH

ACCOUNT NUMBER 00-0000-0063-29662

FUNDS DESCRIPTION Health Insurance Trust Fund

AMOUNT OF INCREASE \$ 463.53

INCREASE FROM \$ 21,600.00 TO \$ \$22,063.53

ACCOUNT BALANCE AVAILABLE \$ Trust Fund - non-budgeted account *4/5 9/6/11*

REASON FOR AMENDMENT Change in number of employees served by EAP services. This number varies throughout the year.

APPROVALS

GOVERNING COMMITTEE _____
Chair _____ Date _____

FINANCE COMMITTEE _____
(if over \$10,000) Chair _____ Date _____

COUNTY BOARD _____
(if over \$10,000) Resolution # _____ Adoption Date _____

WHITE - COMMITTEE
YELLOW - PURCHASING
PINK - DEPARTMENT

**RESOLUTION
ROCK COUNTY BOARD OF SUPERVISORS**

Supervisor David Innis
INITIATED BY



Supervisor David Innis
DRAFTED BY

Public Safety & Justice Committee
SUBMITTED BY

May 17, 2011
DATE DRAFTED

**Recommending Passage of 2011 Assembly Bill 54, Committee on Children and Families, to Amend
Wis. Stats. 767 Relating to Equalizing Physical Placement to the Highest Degree**

- 1 **WHEREAS**, each and every individual is conceived through the contributions of a genetic mother and
- 2 father; and,
- 3
- 4 **WHEREAS**, in a democracy, the family remains the preferred and best environment in which to foster
- 5 the character and values of its citizens; and,
- 6
- 7 **WHEREAS**, while appreciating the diversity of families in today's society, the Rock County Board of
- 8 Supervisors recognizes the equally important contributions of both fathers and mothers to the raising of
- 9 their children; and,
- 10
- 11 **WHEREAS**, applications of current family law unintentionally removes many fathers from
- 12 meaningful participation in their children's lives; and,
- 13
- 14 **WHEREAS**, the Rock County Board of Supervisors wishes to support policies that encourage and
- 15 promote active involvement of both fathers and mothers in raising their children.
- 16
- 17 **NOW, THEREFORE, BE IT RESOLVED** that the Rock County Board of Supervisors duly
- 18 assembled this ____ day of _____ does hereby go on record in support of passage of Assembly
- 19 Bill 54, "To Equalize Physical Placement to the Highest Degree."
- 20

Respectfully submitted,

PUBLIC SAFETY & JUSTICE COMMITTEE

COUNTY BOARD STAFF COMMITTEE

Ivan Collins
Ivan Collins, Chair

J. Russell Podznilni, Chair

Larry Wiedenfeld
Larry Wiedenfeld, Vice Chair

Sandra Kraft, Vice Chair

Mary Beaver
Mary Beaver

Eva Arnold

Henry Brill
Henry Brill

Henry Brill

Absent
Brian Knudson

Betty Jo Bussie

Ivan Collins

Marilynn Jensen

Louis Peer

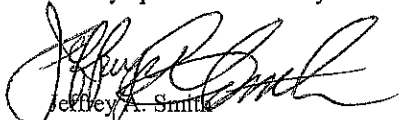
Kurtis Yankee

11-7A-422

**Recommending Passage of 2011 Assembly Bill 54, Committee on Children and Families, to
Amend Wis. Stats. 767 Relating to Equalizing Physical Placement to the Highest Degree**
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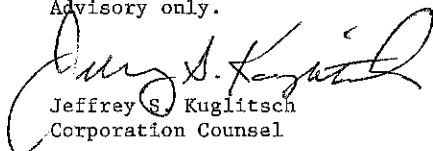
FISCAL NOTE:

This resolution addresses a legislative policy issue and has no direct fiscal impact on Rock County operations in and by itself.


Jeffrey A. Smith
Finance Director


LEGAL NOTE:

Advisory only.


Jeffrey S. Kuglitsch
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of Policy.


Craig Knutson
County Administrator

Executive Summary

Recommending Passage of 2011 Assembly Bill 54, Committee on Children and Families, to Amend Wis. Stats. 767 Relating to Equalizing Physical Placement to the Highest Degree

The Wisconsin Assembly previously passed this bill, but it was not passed in the Senate Committee. The Assembly Bill was reintroduced in this session and a public hearing was held at the State Capital on April 6, 2011. Supervisor Innis listened to lengthy testimony on both sides of this issue and was very impressed with the testimony of Mr. Richard Badger. This bill does not take away the power of family court judges to protect children from unhealthy situations such as child or domestic abuse. It is not intended as a tool to modify the payment of child support. Under current law, judges have wide discretion on how to allocate periods of physical placement (visitation) between households of divorced parents. If mediation fails, the parties enter an adversarial court process in which "experts" make recommendations to the court, often based on well-intentioned but false evidence. The standards for evidence in family court are less stringent than in criminal court. Unequal placement often results from false allegations that were difficult to disprove. (This is the opposite of "innocent until proven guilty.") Our current family court system is a win-lose situation in which one party gets most of the time with the child and the other party pays most of the bills. Assembly Bill 54 still leaves most of the power in the hands of judges to decide placement and visitation. However, it asks judges to "presume that a placement schedule that equalizes to the highest degree the amount of time the child may spend with each parent is to the child's best interest." The presumptions may be rebutted by "clear and convincing evidence." This will reduce the temptation of the parties to make false accusations of abuse. It will help to "level the playing field" in family court so that dads, moms and children can all be winners.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0611/1
PJK:jld:ph

2011 ASSEMBLY BILL 54

March 21, 2011 - Introduced by Representatives PRIDEMORE, MURSAU, VOS,
/ KLEEFISCH, HONADEL and ZIEGELBAUER, cosponsored by Senators LASEE and
LAZICH. Referred to Committee on Children and Families.

1 AN ACT *to repeal* 767.451 (1) (b) 3.; *to amend* 767.41 (4) (a) 2., 767.41 (6) (a) and
2 767.451 (1) (b) 2. (intro.); *to repeal and recreate* 767.451 (1) (b) 2. a. and
3 767.451 (1) (b) 2. b.; and *to create* 767.41 (5) (am) 5m. of the statutes; **relating**
4 **to:** equalizing physical placement to the highest degree, requiring the court to
5 state the reasons for ordering sole legal custody or not equalizing physical
6 placement, and standards for modifying legal custody or physical placement.

Analysis by the Legislative Reference Bureau

Under current law, in an action affecting the family, such as a divorce or a paternity action, a court must determine the legal custody of a minor child based on the best interest of the child. In current law, there is a presumption that joint legal custody is in the child's best interest. The court also must allocate periods of physical placement between the parties. The court is required to set a placement schedule that allows the child to have regularly occurring, meaningful periods of physical placement with each parent and that maximizes the amount of time the child may spend with each parent, taking into consideration geographic separation and accommodations for different households. The court may deny periods of physical placement with a parent only if the court finds that the physical placement would endanger the child's physical, mental, or emotional health. When determining custody and periods of physical placement, the court is required, under current law, to consider a number of factors (custody and placement factors), such as the wishes

ASSEMBLY BILL 54

of the child and of the parties, the interaction and interrelationship of the child with his or her parents, the amount and quality of time that each party has spent with the child in the past, the child's adjustment to the home, school, and community, and the cooperation and communication between the parties.

This bill provides that, when the court allocates periods of physical placement, instead of maximizing the amount of time a child may spend with each parent, taking into consideration geographic separation and accommodations for different households, the court must presume that a placement schedule that equalizes to the highest degree the amount of time the child may spend with each parent is in the child's best interest. This presumption may be rebutted if the court finds by clear and convincing evidence, after considering the custody and placement factors, that equalizing physical placement would not be in the child's best interest. The bill also makes the geographic separation of the parties an additional custody and placement factor for the court to consider in every case when determining custody and periods of physical placement.

Under current law, if legal custody or physical placement is contested, the court must state in writing why its findings relating to legal custody or physical placement are in the best interest of the child. Under the bill, if legal custody or physical placement is contested and the court orders sole legal custody or a placement schedule that does not equalize placement between the parties to the highest degree, the court must state both orally and in writing the reasons for its order.

Under current law, after two years after making an initial order of legal custody or physical placement, a court may revise legal custody or physical placement in a manner that substantially alters the time a parent may spend with his or her child if the court finds that the modification is in the best interest of the child and that there has been a substantial change in circumstances since the last order was made. There is a rebuttable presumption that continuing the current allocation of decision making concerning the child and continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child, and a change in the economic circumstances or marital status of a party is not sufficient to meet the standard for modification. The bill changes the rebuttable presumption that applies to modifications after two years after an initial order of legal custody or physical placement. Under the bill, there is a rebuttable presumption that the standard for modification is met, that is, that modification is in the best interest of the child and that there has been a substantial change in circumstances since the last order was made, if either of the following has occurred: 1) a parent has modified his or her lifestyle or the location of his or her residence to an extent that affects the amount of time the parent is able to care for the child; or 2) a parent has successfully completed parenting classes, a drug or alcohol abuse treatment program, or an anger management program to address a problem that previously hindered his or her ability to care for the child. In addition, the bill deletes the provision that makes a change in the economic circumstances or marital status of a party insufficient to meet the standard for modification. The effect of this change is to make a change in economic circumstances or marital status

ASSEMBLY BILL 54

possibly, depending on the circumstances, but not automatically, sufficient to meet the standard for modification.

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

1 **SECTION 1.** 767.41 (4) (a) 2. of the statutes is amended to read:

2 767.41 **(4)** (a) 2. In determining the allocation of periods of physical placement,
3 the court shall consider each case on the basis of the factors in sub. (5) (am), subject
4 to sub. (5) (bm). The court shall set presume that a placement schedule that allows
5 the child to have regularly occurring, meaningful periods of physical placement with
6 each parent and that maximizes equalizes to the highest degree the amount of time
7 the child may spend with each parent, taking into account geographic separation and
8 accommodations for different households is in the best interest of the child. The
9 presumption under this subdivision is rebutted if the court finds by clear and
10 convincing evidence, after considering all of the factors in sub. (5) (am), subject to
11 sub. (5) (bm), that equalizing physical placement to the highest degree would not be
12 in the child's best interest.

13 **SECTION 2.** 767.41 (5) (am) 5m. of the statutes is created to read:

14 767.41 (5) (am) 5m. The geographic separation of the parties.

15 **SECTION 3.** 767.41 (6) (a) of the statutes is amended to read:

16 767.41 **(6)** (a) If legal custody or physical placement is contested and the court
17 orders sole legal custody or a placement schedule that does not equalize physical
18 placement between the parties to the highest degree, the court shall state orally and
19 in writing why its findings relating to legal custody or physical placement are in the
20 best interest of the child the reasons for its order.

21 **SECTION 4.** 767.451 (1) (b) 2. (intro.) of the statutes is amended to read:

