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April 6, 2011

TO: Assembly Children and Families Committee

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RE: Opposition to AB 54, equalizing physical placement of a child to the highest degree.

Chairperson Pridemore and Assembly Children and Families Committee:

The Wisconsin Council on Children and Families (WCCF) is the only multi-children's issues advocacy organization in the state. We provide research and policy recommendations on health care, juvenile justice, early care and education and the state budget. WCCF's mission is to ensure that all children grow up in a safe and nurturing environment.

Thank you for giving me this opportunity to speak today on AB 54, which would equalize physical placement of a child.

AB 54 provides that, when the court allocates periods of physical placement, the court must presume 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.

WCCF opposes AB54 and supports the current law of determining custody based on the child's best interest. We do not support the approach proposed by AB54 that presumes a 50-50 placements for all kids in all situations is in their best interest. We believe that the current law appropriately balances parent's and children's best interests by presuming that joint custody is in the child's best interest. The court is currently required to set a placement schedule that allows the child to have regularly occurring, meaningful periods of physical placement with each parent that maximizes the amount of time the child may spend with each parent, taking into consideration geographic separation and accommodations for different households. This approach puts the child's best interest first; we believe that is appropriate.

Yes, we understand that there are probably some cases where a parent was denied 50-50 placement and he/she should not have been. But we do not believe AB54 is an appropriate solution to address that problem and are concerned that it could negatively impact children. Under current law, when determining custody and placement the court is required to consider a number of factors, such as the wishes of the child, the interaction and interrelationship of the child with his or her parents, the amount and quality of time that each party spent with the child in the past, and the child's adjustment to the home, school and community. This bill takes decision making authority away from judges across the state who know the facts of the cases in front of them. Instead, this bill allows legislators here in Madison to determine what is in the best interest of all children of divorce, with no knowledge about any of their circumstances.

Just to be clear, this bill is not about whether parents can have 50-50 placement; that is allowable under current law. Under current law, a 50-50 placement will happen when it is determined to be in the best interest of the child. WCCF believes that the "best interest of the child" standard should continue.

Thank you for this opportunity to express our views. I look forward to answering any questions you may have.