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A resolution by Supervisors Taylor (9), West, Taylor (2), and Nicholson, in support of the Chief Judge, First Judicial District, to initiate and develop a plan for the implementation of legal custody and physical placement study services in accordance with Section 767.405, Wisconsin State Statutes, by recommending adoption of the following:

A SUBSTITUTE RESOLUTION

WHEREAS, in the State of Wisconsin (the State), family courts are required to appoint a Guardian Ad Litem (GAL) for a minor child if the court has reason for special concern as to the welfare of the child or, with some exceptions, if legal custody or physical placement of the child is contested; and

WHEREAS, the GAL is an attorney and is responsible for representing the best interests of the child; and

WHEREAS, Milwaukee County (the County) requires that family court GALs must have completed 25 family law cases and three hours of domestic violence training, in addition to State required training, in order to be considered for placement on the family court GAL list; and

WHEREAS, the County requires training above and beyond that of the State and most other counties, which prepares the GAL as an attorney representing the best interests of the child; however, in high conflict cases involving domestic violence and child abuse, the addition of legal custody and physical placement study services can greatly assist the GAL because the evaluator has a different set of skills, training, background, and ability, and unlike the GAL, can be a witness for the court; and

WHEREAS, Section 767.405(14)(a) Wisconsin State Statutes (State Statutes) provides that a county shall provide legal custody and physical placement study services; and

WHEREAS, whenever legal custody or physical placement of a minor child is contested and mediated under Section 767.405, State Statutes, the court may order a person or entity designated by the County to conduct a legal custody and placement study, or at any other time the court considers appropriate; and

40 WHEREAS, Section 767.405(14)(a), State Statutes, instructs that a legal custody
41 and physical placement study is to account for the conditions of the child's home, each
42 party's performance of parental duties, and responsibilities relating to the child, whether
43 either party has engaged in interspousal battery or domestic violence, and any other
44 matter relevant to the best interest of the child; and

45 WHEREAS, in a number of Wisconsin counties, these studies are completed by
46 social workers, which is considered the best practice; and

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48 WHEREAS, due to budget constraints, the County's family court has not been
49 able to provide this State mandated service to the public; and

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51 WHEREAS, the County's family court has an interest in providing the safest
52 outcomes possible for children in contested family law cases, which may require
53 custody/placement studies, and the assistance of a social worker; and

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55 WHEREAS, the Committee on Judiciary, Safety, and General Services, at its
56 meeting of October 20, 2016, recommended adoption of this resolution (vote 4-0); now,
57 therefore,

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59 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
60 supports the Chief Judge, First Judicial District, in the implementation of legal custody
61 and physical placement studies in accordance with Section 767.405(14)(a) Wisconsin
62 State Statutes; and

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64 BE IT FURTHER RESOLVED, the Chief Judge is requested to present the
65 details of the plan to the County Board as soon as practicable.

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68 ars
69 10/20/16
70 S:\Committees\2016\Oct\JSGS\Resolutions\16-589 SUBSTITUTE RESOLUTION steve taylor custody placement study.docx