

End Domestic Abuse Wisconsin: Amplifies potential impact of Valadez case on Wisconsin Survivors of Domestic Violence

Posted on Wednesday, Mar 30, 2022

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Madison – Following the latest hearing in the Julie C. Valadez v. Ricardo Valadez case in Waukesha County, experts at End Domestic Abuse Wisconsin (End Abuse) identify aspects of the case that are consistent with harmful patterns in WI family court and provide clarification about the potential impact of the case on survivors of domestic violence statewide.

The Valadez case between former spouses Julie and Ricardo Valadez has spanned several years, and is ongoing as Julie brings questions of custody and placement of Valadez' four children before the courts. The Waukesha County Circuit Court found that Ricardo engaged in a pattern of domestic abuse against Julie. However, the court ordered sole legal custody to Ricardo and, over the past several months, placement has shifted to the children's father.

"This case exemplifies systemic failures survivors experience in family court across WI, especially dismissal of domestic abuse dynamics when making child custody and placement decisions," stated End Abuse Co-Director of Prevention & Engagement Jenna Gormal. "Although state statutes include provisions intended to put survivors on a level playing field in court, they are not consistently given appropriate consideration by judges, commissioners, and Guardians ad Litem." End Abuse is following the case's potential impact on survivors of domestic abuse statewide. Notable is a December 2021 decision by the Court of Appeals, which bolsters statutes intended to account for domestic abuse dynamics in family court, and thus holds potential to impact others facing similar challenges. Wisconsin Statute Wis. Stat. 767.41(2)(d) created a rebuttable presumption that when one party has engaged in a pattern or serious incident of domestic violence, joint or sole

custody to the abusive parent is contrary to the child's best interest. Additionally, the "safety and well-being" of the abused parent and child become "paramount concerns" when determining custody and placement, even if custody presumption is rebutted.

The Court of Appeals decision found that Ricardo should not have been awarded sole legal custody because he did not receive treatment from a certified batterers' treatment program or provider, as is required by statute, and thus failed to rebut the domestic violence custody presumption. Moreover, the Court of Appeals found the circuit court "failed to explicitly apply the proper legal standard...requiring the court to make Julie's safety and that of her children a paramount concern in determining placement." Still, contrary to statute, the children remain in custody and placement with Ricardo, at least until the circuit court takes action on the Court of Appeals decision. Last week, hearings were set for May and June regarding motions for the pending issues of custody and placement.

"The Court of Appeals decision creates precedent for trial courts to follow," offered Gormal. "By setting the standard that domestic abuse dynamics must be taken seriously in custody and placement decisions, the Court of Appeals' decision may result in better custody and placement decisions for survivors statewide. As Julie awaits circuit court action on the Court of Appeals decision, we see possibility that the Court of Appeals decision may have positive ramifications for other Wisconsin survivors."