

No. 238, S.]

[Published July 27, 1961.

**CHAPTER 285**

AN ACT to amend 331.04 (2) of the statutes, relating to disposition of amounts recovered in wrongful death actions when deceased was liable for the support of minor children.

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

331.04 (2) of the statutes is amended to read:

*331.04 (2) If the deceased leaves surviving a spouse, and minor children with whose support he was legally charged, said minor children shall be entitled to an amount as fixed by the circuit court but not less than the increase recoverable for each such child under sub. (4); said benefits to be used for the support of such child or children during their minority, and after the youngest child reaches 21 years of age, the balance, if any, shall be divided equally among said children surviving. The remainder of the amount recovered or the amount recovered if there are no such surviving minor children shall belong and be paid to the spouse of the deceased; if no spouse survives, to the deceased's lineal heirs as determined by s. 237.01; if no lineal heirs survive, to the deceased's brothers and sisters. If any such relative dies before judgment in the action, the relative next in order shall be entitled to recover for the wrongful death. A surviving nonresident*

alien wife and minor children shall be entitled to the benefits of this section. *Every settlement in wrongful death cases in which the deceased leaves minor children shall be first approved by the circuit court of jurisdiction of the county where such action was brought or which is the county of residence of said minor children, otherwise such settlement shall be void.*

Approved July 19, 1961.