



2003 ASSEMBLY BILL 181

March 21, 2003 - Introduced by Representatives MUSSER, AINSWORTH, PETTIS, GRONEMUS, NASS, ALBERS, OWENS, VAN ROY and BIES, cosponsored by Senators SCHULTZ and ROESSLER. Referred to Committee on Family Law.

1 **AN ACT** *to renumber and amend* 767.26; and *to create* 767.26 (2m) of the
2 statutes; **relating to:** excluding veterans disability payments from
3 consideration for paying maintenance.

Analysis by the Legislative Reference Bureau

Under current law, a court may include in a judgment for annulment, divorce, or legal separation an order requiring one party to pay maintenance (previously known as alimony) to the other party. Maintenance may be ordered for a limited or an indefinite time. In deciding whether to order maintenance and the amount to order, the court must consider a number of factors, such as the length of the marriage, the age and physical health of the parties, the property division that the court has already made, the earning capacity of the party seeking maintenance, the educational level of each party at the beginning of the marriage and at the commencement of the action, and any other factors the determines to be relevant.

This bill prohibits a court from considering a party's receipt of veterans disability payments when determining whether to require the party to pay maintenance or when determining the amount of maintenance that the party must pay. Currently, since disability payments are intended to compensate for lost income, they are generally treated as income and may be used as the basis for awarding maintenance.

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

