

State of Misconsin 2007 - 2008 LEGISLATURE

2007 ASSEMBLY BILL 243

April 10, 2007 – Introduced by Representatives MUSSER, BIES, ALBERS, A. OTT, TURNER, HINES, LOTHIAN and OWENS, cosponsored by Senator PLALE. Referred to Committee on Children and Family Law.

1 AN ACT to renumber and amend 767.56; and to create 767.56 (2m) of the 2 statutes; relating to: prohibiting consideration of veterans disability 3 payments when ordering 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 for a limited time 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 court 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 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:

2007 – 2008 Legislature

ASSEMBLY BILL 243

1	SECTION 1. 767.56 of the statutes is renumbered 767.56 $(1m)$, and 767.56 $(1m)$
2	(intro.) and (j), as renumbered, are amended to read:
3	767.56 (1m) FACTORS TO CONSIDER FOR ORDER. (intro.) Upon a judgment of
4	annulment, divorce, or legal separation, or in rendering a judgment in an action
5	under s. 767.001 (1) (g) or (j), the court may, subject to sub. (2m), grant an order
6	requiring maintenance payments to either party for a limited or indefinite length of
7	time after considering:
8	(j) Such Subject to sub. (2m), such other factors as the court may in each
9	individual case determine to be relevant.
10	SECTION 2. 767.56 (2m) of the statutes is created to read:
11	767.56 (2m) VETERANS DISABILITY PAYMENTS. In deciding whether to require a
12	party to pay maintenance or in determining the amount of maintenance that a party
13	must pay, the court may not consider any veterans disability payments that the party
14	receives.
15	SECTION 3. Initial applicability.
16	(1) This act first applies to maintenance determinations in actions or
17	proceedings, including actions or proceedings to modify a judgment or order
18	previously granted, that are commenced on the effective date of this subsection.
19	(END)

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