



## 2005 ASSEMBLY BILL 50

January 27, 2005 - Introduced by Representatives MUSSER, ALBERS, HUNDERTMARK, NASS, OWENS, BIES, OTT, VAN ROY, AINSWORTH, TOWNSEND, VRAKAS and PETTIS, cosponsored by Senators LASSA and REYNOLDS. Referred to Committee on Veterans Affairs.

1     **AN ACT** *to renumber and amend* 767.26; and *to create* 767.26 (2m) of the  
2             statutes; **relating to:** prohibiting consideration of veterans disability  
3             payments when ordering maintenance.

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### *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.

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

