

Assembly Bill 148

Date published:
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CHAPTER 220, LAWS OF 1967

AN ACT to amend 52.055 (2m) and 247.265; and to create 247.232 of the statutes, relating to wage assignments for support of minor children and granting the family court commissioner power to order wage assignments.

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

SECTION 1. 52.055 (2m) of the statutes is amended to read:

52.055 (2m) Upon a showing of need to the court, the court shall order a hearing. At the hearing, the court may make an order directing the father to assign such salary or wages due him or to be due him in the future from his employer or successor employers to the clerk of court where the judgment of divorce in any action affecting marriage, as designated in s. 247.03, was granted, and after judgment is entered under s. 52.37, as will be sufficient to pay the weekly allowances, as adjudged by the court, for the support, maintenance and education of the minor children of the parties. Such assignment shall be binding upon the employer and successor employers one week after service upon the employer of a true copy of the assignment signed by the employe and annexed to a copy of the order, by personal service or by registered or certified mail until further order of the court. ~~The clerk shall pay~~ For each payment the employer shall receive \$1 for each payment which he shall deduct from the money to be paid the employe. Section 241.09 shall not apply to assignments under this section. Compliance by an employer with the order operates as a discharge of the employer's liability to the employe as to that portion of the employe's wages so affected.

SECTION 1m. 247.232 of the statutes is created to read:

247.232 WAGE ASSIGNMENT BY FAMILY COURT COMMISSIONER. After an order for the support of minor children of the parties has been entered in an action affecting marriage, and there has been a failure to comply with such order by the father under circumstances which would necessitate the issuance of a contempt order by the court, the family court commissioner may issue an order directing the father to assign such salary or wages due him or to be due him in the future from his employer or successor employers to the clerk of court, where the action is pending, as will be sufficient to pay weekly allowances for the maintenance of his wife and the support, maintenance and education of their minor children. The assignment shall be binding upon the employer and successor employers immediately upon personal service on the employer of a copy of the assignment signed by the employe and annexed to a copy of the order, until further order of the family court commissioner or the court. For each payment the employer shall receive \$1 which he shall deduct from the money to be paid the employe. Section 241.09 shall not apply to assignments under this section. The employer may not use such assignment as a basis for the discharge of an employe or for any disciplinary action against the employe. Compliance by an employer with the order operates as a discharge of the employer's liability to the employe as to that portion of the employe's wages so affected.

SECTION 2. 247.265 of the statutes is amended to read:

247.265 At any time after ~~the~~ judgment of divorce in any action affecting marriage, as designated in s. 247.03, the court may make an order directing the father to assign such salary or wages due him or to

be due him in the future from his employer or successor employers to the clerk of the court where the judgment of ~~divorce~~ was granted, as will be sufficient to pay the ~~weekly~~ allowance, as adjudged by the court, for the support, maintenance and education of the minor children of the parties. Such assignment shall be binding upon the employer and successor employers *one week after service upon the employer of a true copy of the assignment signed by the employe and annexed to a copy of the order, by personal service or by registered or certified mail copy until further order of the court.* ~~The clerk shall pay~~ *For each payment the employer shall receive \$1 for each such payment which he shall deduct from the money to be paid the employe.* Section 241.09 shall not apply to assignments under this section. *Compliance by an employer with the order operates as a discharge of the employer's liability to the employe as to that portion of the employe's wages so affected.*

Approved December 6, 1967.