

2001 ASSEMBLY BILL 75

February 1, 2001 – Introduced by Representatives SCHNEIDER, GUNDERSON, ALBERS, BOYLE and WILLIAMS. Referred to Committee on Family Law.

1 **AN ACT relating to:** a legislative council study on maintenance.

Analysis by the Legislative Reference Bureau

Under current law, a court may order one party to pay maintenance (formerly known as alimony) to the other party in a divorce action. The statutes set out factors that a court must consider in ordering maintenance, such as the length of the marriage, the educational level of the parties at the time of the marriage and at the commencement of the action, the age and physical and emotional health of each party, and the contribution that a party has made to the increased earning power of the other party. Maintenance may be ordered for a definite or indefinite length of time, but terminates, upon application to the court by the payer, if the payee remarries.

This bill requests the joint legislative council to conduct a study of maintenance in divorces. The study must examine such issues as whether maintenance should be terminated if a party receiving maintenance cohabits with another person, whether a party's actions that may have contributed to the divorce should be a basis for ordering or not ordering maintenance, and whether maintenance should be ordered in conformance with set standards that give the court less discretion. If the joint legislative council conducts the study, it must report its findings and recommendations to the appropriate standing committees of the legislature by January 1, 2002.

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) STUDY ON MAINTENANCE.

3 (a) The joint legislative council is requested to conduct a study on maintenance
4 payments in divorce actions. The study shall include an examination of at least all
5 of the following issues:

6 1. The purposes and length of time for which maintenance is ordered.

7 2. How the factors under section 767.26 of the statutes are used in ordering
8 maintenance.

9 3. The feasibility of monitoring cases in which maintenance has been ordered
10 to determine whether the maintenance has been effective in achieving the purpose
11 for which it was ordered.

12 4. Whether maintenance is ordered or not ordered, and the feasibility of
13 ordering or not ordering maintenance, on the basis of a party's actions during the
14 marriage that may have contributed to the divorce or a party's efforts to preserve and
15 support the marriage.

16 5. The feasibility of terminating maintenance, and whether maintenance
17 should be terminated, on the basis of the payee's cohabitation with another person.

18 6. Whether maintenance should be ordered in conformance with set standards
19 that give the court less discretion and that place maximums on the monthly amount
20 of maintenance and the length of time for which maintenance may be ordered and
21 a minimum on the length of a marriage in which maintenance may be ordered.

