

State of Wisconsin



2003 Assembly Bill 624

Date of enactment: April 19, 2004
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2003 WISCONSIN ACT 287

AN ACT *to amend* 893.02 and 893.40; and *to create* 893.415 of the statutes; **relating to:** a statute of limitations for bringing an action to collect child support.

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

SECTION 1. 893.02 of the statutes is amended to read:

893.02 Action, when commenced. ~~An~~ Except as provided in s. 893.415 (3), an action is commenced, within the meaning of any provision of law which limits the time for the commencement of an action, as to each defendant, when the summons naming the defendant and the complaint are filed with the court, but no action shall be deemed commenced as to any defendant upon whom service of authenticated copies of the summons and complaint has not been made within 90 days after filing.

SECTION 2. 893.40 of the statutes is amended to read:

893.40 Action on judgment or decree; court of record. Except as provided in s. ~~ss.~~ 846.04 (2) and (3) and 893.415, action upon a judgment or decree of a court of record of any state or of the United States shall be commenced within 20 years after the judgment or decree is entered or be barred.

SECTION 3. 893.415 of the statutes is created to read:

893.415 Action to collect support. (1) In this section, "action" means any proceeding brought before a

court, whether commenced by a petition, motion, order to show cause, or other pleading.

(2) An action to collect child or family support owed under a judgment or order entered under ch. 767, or to collect child support owed under a judgment or order entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be commenced within 20 years after the youngest child for whom the support was ordered under the judgment or order reaches the age of 18 or, if the child is enrolled full-time in high school or its equivalent, reaches the age of 19.

(3) An action under this section is commenced when the petition, motion, order to show cause, or other pleading commencing the action is filed with the court, except that an action under this section is not commenced if proper notice of the action, as required by law or by the court, has not been provided to the respondent in the action within 90 days after the petition, motion, order to show cause, or other pleading is filed.

SECTION 4. Initial applicability.

(1) This act first applies to actions to collect child or family support that are not barred on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].