

2003 ASSEMBLY BILL 624

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.

Analysis by the Legislative Reference Bureau

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

1 **SECTION 1.** 893.02 of the statutes is amended to read:
2 **893.02 Action, when commenced.** An Except as provided in s. 893.415 (3),
3 an action is commenced, within the meaning of any provision of law which limits the
4 time for the commencement of an action, as to each defendant, when the summons
5 naming the defendant and the complaint are filed with the court, but no action shall
6 be deemed commenced as to any defendant upon whom service of authenticated
7 copies of the summons and complaint has not been made within 90 days after filing.

ASSEMBLY BILL 624**SECTION 2**

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

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

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

7 **893.415 Action to collect support. (1)** In this section, “action” means any
8 proceeding brought before a court, whether commenced by a petition, motion, order
9 to show cause, or other pleading.

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

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

23 **SECTION 4. Initial applicability.**

