

**2003 DRAFTING REQUEST**

**Bill**

Received: **06/03/2003**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Peggy Krusick (608) 266-1733**

By/Representing: **Christian Moran**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - child support  
Courts - limitations**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Krusick@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Statute of limitation for action to collect child support

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 07/01/2003	kfollett 07/09/2003		_____			S&L
/P1			pgreensl 07/09/2003	_____	sbasford 07/10/2003		S&L
/1	pkahler	jdyer	rschlue	_____	lemery	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/18/2003	07/21/2003	07/21/2003	_____	07/21/2003		10/22/2003

FE Sent For:

<END>

AA  
intro.

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/?	pkahler 07/01/2003	kfollett 07/09/2003		_____			S&L
/P1			pgreensl 07/09/2003	_____	sbasford 07/10/2003		S&L
/1	pkahler	jdye	rschluet	_____	lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	07/18/2003	07/21/2003	07/21/2003	_____	07/21/2003		

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/?	pkahler 07/01/2003	kfollett 07/09/2003					S&L
/P1		<i>1 7/2 jld</i>					
			pgreensl 07/09/2003		sbasford 07/10/2003		

*[Handwritten signatures and date 7-21-03]*

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 06/03/2003

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Peggy Krusick (608) 266-1733

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/?	pkahler	1 P1 kgf	7/9 P8	7/9 P8			
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<END>

FE Sent For:

LE

**Kahler, Pam**

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**From:** Moran, Christian  
**Sent:** Monday, June 02, 2003 5:20 PM  
**To:** Kahler, Pam  
**Subject:** Bill Drafting Request



03-0277P2.pdf

Pam:

Please draft the attached draft legislation as an Assembly Bill. (I believe this draft was originally drafted by you for possible inclusion in the budget bill. It was eventually dropped because it's a non-fiscal policy item).

I know you're probably swamped with the budget, but is there any chance we could get this drafted by the end of the week?

Thanks much.

Christian  
Peggy Krusick's office  
6-1733



DOA:.....Fath – BB0184, Statute of limitation for payment of child support  
FOR 2003-05 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**CHILDREN**

Under current law, an action on a judgment or decree of a court of record is barred unless it is commenced within 20 years after the judgment or decree was entered. The Wisconsin Court of Appeals in *State v. Hamilton*, 2002 WI App 89, 253 Wis. 2d 805, 644 N.W. 2d 243, determined that this statute of limitations applies to the collection of delinquent child support owed under a judgment or order.

Before the enactment of the current statute of limitations for an action on a judgment or decree, the statute of limitations for such an action was 20 years after the action accrued. In the context of collecting delinquent child support, that was interpreted as being 20 years after the youngest child under the support order reached majority.

This bill codifies the previous interpretation of the statute of limitations for an action to collect delinquent child support. The bill provides that an action to collect child or family support owed under a judgment or order is barred if not commenced within 20 years after the youngest child under the order reaches the age of 18 or, if he or she is enrolled full-time in high school or its equivalent, reaches the age of 19.

For further information see the *state and local* 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.** 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.

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

9           **893.40 Action on judgment or decree; court of record.** Except as provided  
10          in s. ss. 846.04 (2) and (3) and 893.415, action upon a judgment or decree of a court  
11          of record of any state or of the United States shall be commenced within 20 years after  
12          the judgment or decree is entered or be barred.

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

14          **893.415 Action to collect support. (1)** In this section, “action” means any  
15          proceeding brought before a court, whether commenced by a petition, motion, order  
16          to show cause, or other pleading.

17          **(2)** An action to collect child or family support owed under a judgment or order  
18          entered under ch. 767, or to collect child support owed under a judgment or order  
19          entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2)  
20          (b) 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be commenced within 20 years  
21          after the youngest child for whom the support was ordered under the judgment or

1 order reaches the age of 18 or, if the child is enrolled full-time in high school or its  
2 equivalent, reaches the age of 19.

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

9 (4) This section applies to child or family support owed under a judgment or  
10 order existing on or after the effective date of this subsection .... [revisor inserts date],  
11 regardless of the date on which the judgment or order was entered and regardless  
12 of the date on which the support accrued.

13

(END)

**Kahler, Pam**

---

**From:** Moran, Christian  
**Sent:** Friday, June 06, 2003 11:14 AM  
**To:** Kahler, Pam  
**Subject:** RE: Child Support Statute of Limitations Draft

Yes, that'd be great. Keep me posted.

-----Original Message-----

**From:** Kahler, Pam  
**Sent:** Wednesday, June 04, 2003 3:58 PM  
**To:** Moran, Christian  
**Subject:** RE: Child Support Statute of Limitations Draft

Christian:

Do you want me to talk to Dan Rossmiller directly related to the applicability issue? I don't necessarily agree that he is interpreting the Hamilton case in a way that helps with the draft. Let me know. Thanks.

Pam

-----Original Message-----

**From:** Moran, Christian  
**Sent:** Tuesday, June 03, 2003 5:44 PM  
**To:** Kahler, Pam  
**Subject:** FW: Child Support Statute of Limitations Draft

Pam,

Attached is information from the State Bar relating to the bill draft.

-C

-----Original Message-----

**From:** Dan Rossmiller [mailto:DRossmiller@wisbar.org]  
**Sent:** Tuesday, June 03, 2003 5:38 PM  
**To:** Moran, Christian  
**Subject:** RE: Child Support Statute of Limitations Draft

Christian,

Please direct Pam's attention to footnote 4 in the Hamilton decision (attached). A key point to consider in this draft is that the court's decision in Hamilton apparently only applies to independent actions for enforcement--not to motions filed within the underlying divorce or paternity action. In those cases, it appears there is no current limitation period and, therefore, it seems the language in 893.415(4) would be appropriate.

However, for independent actions, the language must be prospective only. It can extend the limitation period for those causes of action that have not yet expired under the 20 year period in 893.40, but it can't resurrect those that have expired.

I hope this is helpful. Let me know if you or Pam have any questions.

Sincerely,

Dan Rossmiller  
Public Affairs Director  
State Bar of Wisconsin  
(608) 250-6140 (voice)

(608) 257-4343 (fax)

WISCONSIN LAWYERS

Expert Advisers. Serving You.

Don Rossmile by

phone

6-30

20 yrs after age of majority for both

underlying action → caption?  
(any time for order)

one of two original parties  
§ petitioners

same case no., new  
petitioner not nec.

parties are same

independent action → brought by ~~some~~ a  
party other than an  
(only cases not original party  
already barred)

different case no.  
must file <sup>new</sup> petition + summons

**Kahler, Pam**

---

**From:** Moran, Christian  
**Sent:** Tuesday, July 01, 2003 10:25 AM  
**To:** Kahler, Pam  
**Subject:** FW: Child Support Statute of Limitations

-----Original Message-----

**From:** Dan Rossmiller [mailto:DRossmiller@wisbar.org]  
**Sent:** Tuesday, July 01, 2003 10:22 AM  
**To:** Moran, Christian  
**Subject:** Child Support Statute of Limitations Draft

Christian:

With the permission of your office/Rep. Krusick I spoke with the drafting attorney, Pam Kahler, with regard to the drafting request relating to the statute of limitations for payment of child support. This email memorializes our discussion. **Please forward a copy of this email to Pam Kahler.**

In the original draft (LRB-0277/P2) independent actions and motions filed within the underlying action were all rolled into one section (893.415) and called 'actions'. Pam Kahler and I discussed splitting this into two separate sections-one for independent actions and one for motions or orders based on the underlying divorce or paternity action-with a separate applicability date for each. The Supreme Court decision in the recently-released *Hamilton* case addressed the limitation on independent actions. (Unless we make a distinction, it is my understanding that the bill would apply only to 'non' independent actions.) With regard to the limitation period, in each case-i.e., for independent and 'non' independent actions-the draft would tie this to youngest child's reaching the age of majority.

The revisions to the draft would do the following:

- 1) Break paragraph (1) in proposed 893.415 down into two paragraphs or subparagraphs.
  - a) The first would create a limitation period for independent actions to collect support and would indicate that actions to collect child support may be commenced by a summons and petition. As noted above, it would be tied to the youngest child's age of majority and would include the proposed language in (2) that the S/L is 20 years from date youngest child reaches age of majority. This provision would be applicable to actions not already barred as of the effective date of the legislation. It is not the intent to resurrect independent actions where the Statute of Limitations has tolled.
  - b) The second would create a limitation period for 'non' independent actions to collect support and would indicate that actions to collect child support may be commenced as a motion or order to show cause within the underlying divorce or paternity action. The limitation would remain tied to the youngest child's age of majority as it is in sub (2) of the draft section (i.e., it would include the proposed language in (2) that the S/L is 20 years) The applicability date would be as it is drafted in sub (4) -i.e., anything owed on or after the effective date of the legislation, regardless of the date on which the judgment or order was entered and regardless of the date on which the support accrued.
- 2) Each of the subsections or subparagraphs would have a different applicability date.

07/01/2003

Please let me know if you or Rep. Krusick have any questions concerning this email.

Sincerely,

Dan Rossmiller  
Public Affairs Director  
State Bar of Wisconsin  
(608) 250-6140 (voice)  
(608) 257-4343 (fax)

**WISCONSIN LAWYERS.**  
Expert Advisers. Serving You.



2003

Date (time) needed \_\_\_\_\_

LRB - 2797, P1

BILL

D-note

PJK : kft :  
          jld

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *... a statute of limitations for bringing an action to collect child support.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

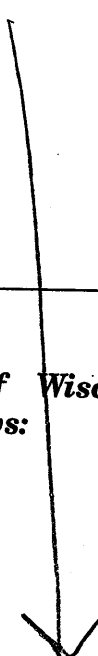
For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

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

SECTION #.





State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0277/P3

PJK:JMS

DOA:.....Fath - BB0184, Statute of limitation for payment of child support

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Supreme

2003 WI 50

Under current law, an action on a judgment or decree of a court of record is barred unless it is commenced within 20 years after the judgment or decree was entered. The Wisconsin Court ~~of Appeals~~ in *State v. Hamilton*, ~~2002 WI App 103, 253 Wis.2d 305, 644 N.W.2d 749~~ determined that this statute of limitations applies to the collection of delinquent child support owed under a judgment or order.

Before the enactment of the current statute of limitations for an action on a judgment or decree, the statute of limitations for such an action was 20 years after the action accrued. In the context of collecting delinquent child support, that was interpreted as being 20 years after the youngest child under the support order reached majority.

This bill codifies the previous interpretation of the statute of limitations for an action to collect delinquent child support. The bill provides that an action to collect child or family support owed under a judgment or order is barred if not commenced within 20 years after the youngest child under the order reaches the age of 18 or, if he or she is enrolled full-time in high school or its equivalent, reaches the age of 19.

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

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*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.

8           ✓  
SECTION 2. 893.40 of the statutes is amended to read:

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11 of record of any state or of the United States shall be commenced within 20 years after  
12 the judgment or decree is entered or be barred.

13           ✓  
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15 proceeding brought before a court, whether commenced by a petition, motion, order  
16 to show cause, or other pleading.

17           (2) An action to collect child or family support owed under a judgment or order  
18 entered under ch. 767, or to collect child support owed under a judgment or order  
19 entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2)  
20 (b) 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be commenced within 20 years  
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2 equivalent, reaches the age of 19.

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

9 (4) This section applies to child or family support owed under a judgment or  
10 order entered on or after ~~July 1, 1983~~, or on or after a date that is 20 years before the  
11 effective date of this subsection .... [revisor inserts date], ~~whichever is later~~.

12 (END)

Insert 3-11

D-note

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2797/ins <sup>P1</sup>  
PJK:.....

INSERT 3-11

1            **SECTION ~~1~~ Initial applicability.**

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

(END OF INSERT 3-11)

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-27977/dn

PJK

PI  
Kj

*Date*

~~SECRET~~  
You will notice that I have made this new statute of limitations first apply to actions not barred on the effective date. This is different from the provision that Dan Rossmiller and I discussed. After I had included the two-part applicability provision that treated independent actions and actions brought in the underlying action in the manner that Dan and I had discussed, I asked Bob Nelson, who drafts in the area of "Courts and Procedure," to review the draft. He suggested the initial applicability provision that is included in the draft as a way of getting around the problem of not knowing exactly what statute of limitations currently applies to actions brought in the underlying action. As drafted, if an action is not barred when the bill passes, the new statute of limitations applies to it. For independent actions, the ones not barred are the ones that are based on a judgment or order that was entered less than 20 years before the effective date of the bill. For an action brought in the underlying action, the petitioner may have to make the case that the action was not barred on the effective date of the bill, but that is the safest way for the legislation as a whole. A recent U.S. Supreme Court case makes it clear that a penalty may not be increased or extended with respect to matters for which the statute of limitations has already run. Let me know if you have any questions.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2797/P1dn

PJK:kjf:pg

July 9, 2003

You will notice that I have made this new statute of limitations first apply to actions not barred on the effective date. This is different from the provision that Dan Rossmiller and I discussed. After I had included the two-part applicability provision that treated independent actions and actions brought in the underlying action in the manner that Dan and I had discussed, I asked Bob Nelson, who drafts in the area of "Courts and Procedure," to review the draft. He suggested the initial applicability provision that is included in the draft as a way of getting around the problem of not knowing exactly what statute of limitations currently applies to actions brought in the underlying action. As drafted, if an action is not barred when the bill passes, the new statute of limitations applies to it. For independent actions, the ones not barred are the ones that are based on a judgment or order that was entered less than 20 years before the effective date of the bill. For an action brought in the underlying action, the petitioner may have to make the case that the action was not barred on the effective date of the bill, but that is the safest way for the legislation as a whole. A recent U.S Supreme Court case makes it clear that a penalty may not be increased or extended with respect to matters for which the statute of limitations has already run. Let me know if you have any questions.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.state.wi.us](mailto:pam.kahler@legis.state.wi.us)

## Kahler, Pam

---

**From:** Moran, Christian  
**Sent:** Thursday, July 17, 2003 4:34 PM  
**To:** Kahler, Pam  
**Subject:** FW: Child Support Statute of Limitations Draft 2 [Virus checked]



03-2797P1.pdf



03-2797P1dn.pdf

-----Original Message-----

**From:** Dan Rossmiller [mailto:DRossmiller@wisbar.org]  
**Sent:** Thursday, July 17, 2003 4:28 PM  
**To:** Moran, Christian  
**Subject:** FW: Child Support Statute of Limitations Draft 2 [Virus checked]

Christian;

I don't know whether you may have received this message from Patti Bustle. In any event, if you could forward this to Pam Kahler it would be great. Thanks.

Dan Rossmiller

-----Original Message-----

**From:** JNelson@milwcnty.com [mailto:JNelson@milwcnty.com]  
**Sent:** Thursday, July 17, 2003 3:49 PM  
**To:** PBustle@milwcnty.com  
**Cc:** connie.chesnik@dwd.state.wi.us; Dan Rossmiller; JHayes@milwcnty.com  
**Subject:** Re: Child Support Statute of Limitations Draft 2 [Virus checked]

The statute itself looks good. One change should be made within the "Analysis by the LRB" section, as the second line of the first paragraph of the analysis isn't entirely accurate. It presently says:

"The Wisconsin Supreme Court in State v. Hamilton, 2003 WI 50, determined that this statute of limitations applies to the collection of delinquent child support owed under a judgment or order."

It should read:

"The Wisconsin Supreme Court in State v. Hamilton, 2003 WI 50, determined that this statute of limitations applies to an independent action to collect delinquent child support owed under a judgment or order."

The Supreme Court specifically draws this distinction in footnote 4 of the decision, and such a distinction is very important to the child support agencies.

Patricia Bustle

To: Janet Nelson/CSE/Milwaukee

County@milwco

07/11/03 01:14 PM

cc:



Limitations Draft 2

Subject: Child Support Statute of

[Virus checked]

Hi Janet:  
What do you think?  
Have a nice weekend:  
Patti

----- Forwarded by Patricia Bustle/Co Exec/Milwaukee County on 07/11/03 01:14 PM -----

"Moran, Christian"  
<Christian.Moran@legis.s  
tate.wi.us>  
'pbustle@milwcnty.com'

07/11/03 01:03 PM

To: "Dan Rossmiller (E-mail)"  
<DRossmiller@wisbar.org>,  
<pbustle@milwcnty.com>

cc:  
Subject: Child Support Statute of

Limitations Draft 2

Here's the latest draft, with drafter's note. Please let me know what you think.

Christian  
Peggy Krusick's office

<<03-2797P1.pdf>> <<03-2797P1dn.pdf>>

(See attached file: 03-2797P1.pdf) (See attached file: 03-2797P1dn.pdf)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-2797/P  
PJK:kjf&jld:pg

*rmission*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*D-note*

*Regen*

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

*Regen*

*Analysis by the Legislative Reference Bureau*

Under current law, an action on a judgment or decree of a court of record is barred unless it is commenced within 20 years after the judgment or decree was entered. The Wisconsin Supreme Court in *State v. Hamilton*, 2003 WI 50, determined that this statute of limitations applies to ~~the statute~~ delinquent child support owed under a judgment or order.

Before the enactment of the current statute of limitations for an action on a judgment or decree, the statute of limitations for such an action was 20 years after the action accrued. In the context of collecting delinquent child support, that was interpreted as being 20 years after the youngest child under the support order reached majority.

This bill codifies the previous interpretation of the statute of limitations for an action to collect delinquent child support. The bill provides that an action to collect child or family support owed under a judgment or order is barred if not commenced within 20 years after the youngest child under the order reaches the age of 18 or, if he or she is enrolled full-time in high school or its equivalent, reaches the age of 19.

*an independent action to collect*

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

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*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.

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

9           **893.40 Action on judgment or decree; court of record.** Except as provided  
10 in s. ss. 846.04 (2) and (3) and 893.415, action upon a judgment or decree of a court  
11 of record of any state or of the United States shall be commenced within 20 years after  
12 the judgment or decree is entered or be barred.

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

14           **893.415 Action to collect support.** (1) In this section, “action” means any  
15 proceeding brought before a court, whether commenced by a petition, motion, order  
16 to show cause, or other pleading.

17           (2) An action to collect child or family support owed under a judgment or order  
18 entered under ch. 767, or to collect child support owed under a judgment or order  
19 entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2)  
20 (b) 4., 938.357 (5m) (a), 938.363 (2), or 948.22 (7), shall be commenced within 20 years  
21 after the youngest child for whom the support was ordered under the judgment or

1 order reaches the age of 18 or, if the child is enrolled full-time in high school or its  
2 equivalent, reaches the age of 19.

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

9 **SECTION 4. Initial applicability.**

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

12 (END)

D-note

This redraft makes the change to the  
analysis that was suggested by Janet  
Nelson.

PJK

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2797/1dn  
PJK:jld:rs

July 21, 2003

This redraft makes the change to the analysis that was suggested by Janet Nelson.

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**Barman, Mike**

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**From:** Moran, Christian  
**Sent:** Wednesday, October 22, 2003 10:28 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 03-2797/1 Topic: Statute of limitation for action to collect child support

It has been requested by <Moran, Christian> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-2797/1 Topic: Statute of limitation for action to collect child support