State of Wisconsin

Date of enactment: **April 8, 2014**

2013 Senate Bill 68

Date of publication*: **April 9, 2014**

2013 WISCONSIN ACT 209

AN ACT *to renumber and amend* 767.56 and 767.58 (1); *to amend* 766.70 (4) (a) 3. and 767.59 (3); and *to create* 767.56 (2c) and 767.58 (1) (c) of the statutes; **relating to:** termination of maintenance upon the payee's or payer's death and notices relating to maintenance.

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

SECTION 1. 766.70 (4) (a) 3. of the statutes is amended to read:

766.70 **(4)** (a) 3. A division of the obligations of the spouses existing on the date of the request, after considering the classification of the obligation under s. 766.55 and the factors specified under ss. 767.56 (1c) and 767.61.

SECTION 2. 767.56 of the statutes is renumbered 767.56 (1c), and 767.56 (1c) (intro.), as renumbered, is amended to read:

767.56 **(1c)** FACTORS TO CONSIDER FOR GRANTING. (intro.) Upon a judgment of annulment, divorce, or legal separation, or in rendering a judgment in an action under s. 767.001 (1) (g) or (j), the court may grant an order requiring maintenance payments to either party for a limited or indefinite length of time, subject to sub. (2c), after considering all of the following:

SECTION 3. 767.56 (2c) of the statutes is created to read:

767.56 **(2c)** TERMINATES AT DEATH OF PAYEE OR PAYER. Unless already terminated for another reason, maintenance granted under this section terminates upon the death of the payee or the payer, whichever occurs first.

SECTION 4. 767.58 (1) of the statutes is renumbered 767.58 (1) (a) and amended to read:

767.58 **(1)** (a) Each order for child support, family support, or maintenance payments shall include an order that the payer and payee notify the county child support agency under s. 59.53 (5) of any change of address within 10 business days of such the change.

(b) Each order for child support, family support, or maintenance payments shall also include an order that the payer notify the county child support agency under s. 59.53 (5) and the payee, within 10 business days, of any change of employer and of any substantial change in the amount of his or her income, including receipt of bonus compensation, affecting his or her ability to pay child support, family support, or maintenance. The order shall also include a statement that notification of any substantial change in the amount of the payer's income will not result in a change of the order unless a revision of the order under s. 767.59 or an annual adjustment of the child or family support amount under s. 767.553 is sought.

(d) An order under this subsection is enforceable under ch. 785.

SECTION 5. 767.58 (1) (c) of the statutes is created to read:

767.58 **(1)** (c) Each order for family support or maintenance payments shall include an order requiring the

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* Section 991.11, WISCONSIN STATUTES: 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."

payee to notify the court and the payer within 10 business days of the payee's remarriage.

SECTION 6. 767.59 (3) of the statutes is amended to read:

767.59 **(3)** REMARRIAGE; VACATING MAINTENANCE ORDER. After a final judgment requiring maintenance payments has been rendered and the payee has remarried, the court shall, on application of the payer with notice to the payee and upon proof of the payee's remarriage, or upon receiving notice from the payee of the payee's remarriage, as required under s. 767.58 (1) (c), vacate the order requiring the maintenance payments.

SECTION 7. Initial applicability.

(1) REQUIRING NOTICE OF REMARRIAGE. The creation of section 767.58 (1) (c) of the statutes first applies to orders for family support or maintenance payments that are granted on the effective date of this subsection.

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