

State of Misconsin 2013 - 2014 LEGISLATURE



## 2013 SENATE BILL 68

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.

## Analysis by the Legislative Reference Bureau

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

5	<b>SECTION 1.</b> 766.70 (4) (a) 3. of the statutes is amended to read:
6	766.70 (4) (a) 3. A division of the obligations of the spouses existing on the date
7	of the request, after considering the classification of the obligation under s. 766.55
8	and the factors specified under ss. 767.56 ( <u>1c</u> ) and 767.61.
9	<b>SECTION 2.</b> 767.56 of the statutes is renumbered 767.56 (1c), and 767.56 (1c)
10	(intro.), as renumbered, is amended to read:

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1	767.56 (1c) FACTORS TO CONSIDER FOR GRANTING. (intro.) Upon a judgment of
2	annulment, divorce, or legal separation, or in rendering a judgment in an action
3	under s. 767.001 (1) (g) or (j), the court may grant an order requiring maintenance
4	payments to either party for a limited or indefinite length of time <u>, subject to sub. (2c)</u> ,
5	after considering <u>all of the following</u> :
6	SECTION 3. 767.56 (2c) of the statutes is created to read:
7	767.56 (2c) TERMINATES AT DEATH OF PAYEE OR PAYER. Unless already terminated
8	for another reason, maintenance granted under this section terminates upon the
9	death of the payee or the payer, whichever occurs first.
10	SECTION 4. 767.58 (1) of the statutes is renumbered 767.58 (1) (a) and amended
11	to read:
12	767.58 (1) (a) Each order for child support, family support, or maintenance
13	payments shall include an order that the payer and payee notify the county child
14	support agency under s. 59.53 (5) of any change of address within 10 business days
15	of <del>such</del> <u>the</u> change.
16	(b) Each order for child support, family support, or maintenance payments
17	shall also include an order that the payer notify the county child support agency
18	under s. 59.53 (5) and the payee, within 10 business days, of any change of employer
19	and of any substantial change in the amount of his or her income, including receipt
20	of bonus compensation, affecting his or her ability to pay child support, family
21	support, or maintenance. The order shall also include a statement that notification
22	of any substantial change in the amount of the payer's income will not result in a
23	change of the order unless a revision of the order under s. 767.59 or an annual
24	adjustment of the child or family support amount under s. 767.553 is sought.
25	(d) An order under this subsection is enforceable under ch. 785.

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<b>SECTION 5.</b> 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 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 <u>the payee's</u> remarriage, <u>or upon receiving notice from the payee of the payee's</u>
remarriage, as required under s. 767.58 (1) (c), vacate the order requiring the
<u>maintenance</u> 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.

(END)

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