



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0509/1
SWB:amn

2023 ASSEMBLY BILL 376

August 11, 2023 - Introduced by Representatives SORTWELL, ALLEN, BEHNKE, BODDEN, GOEBEN, GUSTAFSON, PENTERMAN, ROZAR, WICHGERS and MURPHY, cosponsored by Senator TOMCZYK. Referred to Committee on Children and Families.

1 **AN ACT** *to amend* 767.511 (1j); and *to create* 767.511 (1p) of the statutes;
2 **relating to:** child support in the case of a parent convicted of sexual assault
3 that results in conception of a child.

Analysis by the Legislative Reference Bureau

This bill expressly provides that if a child is conceived and born as the result of a sexual assault, certain individuals may file an action for child support, even if the perpetrator's parental rights have been terminated. The bill provides that if the individual bringing the support action proves that the child for which support is sought was conceived as a result of a sexual assault—as shown by evidence of a final judgment of conviction indicating that the person who may be the father of the child committed, during a possible time of conception, any of the crimes of sexual assault specified in the bill against the mother of the child—the court, after considering the factors applicable under current law to establish an amount of child support, must determine an amount of support. Under the bill, after determining an amount of support, the court must set a fixed sum order of child support at an amount equal to two times that amount. The bill provides that parties may seek a modification of the order as otherwise allowed under law, but that any support amount ordered as a result must still be doubled.

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

ASSEMBLY BILL 376**SECTION 1**

1 **SECTION 1.** 767.511 (1j) of the statutes is amended to read:

2 767.511 **(1j)** PERCENTAGE STANDARD GENERALLY REQUIRED. Except as provided in
3 ~~sub.~~ subs. (1m) and (1p), the court shall determine child support payments by using
4 the percentage standard established by the department under s. 49.22 (9).

5 **SECTION 2.** 767.511 (1p) of the statutes is created to read:

6 767.511 **(1p)** DEVIATION FROM STANDARD; SUPPORT FOR CHILD RESULTING FROM
7 SEXUAL ASSAULT. (a) Regardless of whether termination of the father's parental rights
8 to a child conceived as a result of a sexual assault in violation of s. 940.225 (1), (2),
9 or (3), 948.02 (1) or (2), 948.025, or 948.085 is granted by a court under ch. 48, any
10 person who would otherwise be permitted to commence an action under s. 767.501
11 (2) for support of a child conceived may bring an action to compel child support under
12 s. 767.001 (1) (f) for the child conceived as a result of a sexual assault and the
13 termination of parental rights does not eliminate the perpetrator's child support
14 obligation for that child.

15 (b) If a person who commences an action for support proves that the child for
16 which support is sought was conceived as a result of a sexual assault in violation of
17 s. 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, or 948.085 by evidence of a final
18 judgment of conviction indicating that the person who may be the father of the child
19 committed, during a possible time of conception, a sexual assault as specified in this
20 paragraph against the mother of the child, the court, after considering the factors set
21 forth in this section, shall determine an amount of support and then set a fixed sum
22 order of child support at an amount equal to 2 times that amount. The parties may
23 seek modification of the order as permitted under s. 767.59, but any support amount
24 resulting from a modification shall always be subject to multiplication by 2 under
25 this paragraph.

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1 (c) If the court orders child support under this subsection, the court shall state
2 in writing or on the record the amount of support that would be required by using
3 the percentage standard, the amount by which the court's order deviates from that
4 amount, including the multiplication required under this subsection, and its reasons
5 for the amount of modification, including any description of its reasoning or bases
6 required for purposes under sub. (1n) or this subsection.

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(END)