

CHAPTER 23.

AN ACT to create 49.135 of the statutes, relating to reciprocal enforcement of support of dependents, and for the purpose of making uniform the law relating thereto.

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

49.135 of the statutes is created to read:

49.135 UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT. (1) PURPOSES. The purposes of this section are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

(2) DEFINITIONS. As used in this section unless the context requires otherwise:

(a) "State" includes any state, territory or possession of the United States in which this or a substantially similar reciprocal law has been enacted.

(b) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(c) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(d) "Court" means juvenile court or family court branch of circuit court and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(e) "Law" includes both common and statute law.

(f) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(g) "Obligor" means any person owing a duty of support.

(h) "Obligee" means any person to whom a duty of support is owed.

(3) REMEDIES ADDITIONAL TO THOSE NOW EXISTING. The remedies herein provided are in addition to and not in substitution for any other remedies.

(4) EXTENT OF DUTIES OF SUPPORT. The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in subsection (5) and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

(5) WHAT DUTIES ARE ENFORCEABLE. Duties of support enforceable under this section are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee. Duties of support are enforceable by petition irrespective of relationship between the obligor and obligee.

(6) REMEDIES OF A STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT. If the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

(7) CONTENTS OF PETITION FOR SUPPORT. The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information.

(8) DUTY OF COURT OF THIS STATE AS INITIATING STATE. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall send certified copies of the petition, the certificate and an authenticated copy of this section to the court of the responding state.

(9) DUTY OF COURT OF THIS STATE AS RESPONDING STATE. When the court of this state, acting as a responding state, receives from the court of an initiating state the material mentioned in subsection (8), it shall docket the cause, notify the district attorney, set a time and place for a hearing, and take action to obtain jurisdiction.

(10) ORDER OF SUPPORT. If the court of this state acting as the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

(11) **RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE.** The court of this state when acting as a responding state shall transmit to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

(12) **ADDITIONAL POWERS OF COURT.** The court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to an officer of the court or to the obligee and to report personally to such officer at such times as may be deemed necessary.

(c) To punish the defendant who violates any order of the court to the same extent as is provided by law for contempt of court.

(13) **ADDITIONAL DUTIES OF COURT OF THIS STATE AS RESPONDING STATE.** The court of this state when acting as a responding state shall have the following duties which may be carried out through an officer of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

(14) **ADDITIONAL DUTY OF COURT OF THIS STATE AS INITIATING STATE.** The court of this state when acting as an initiating state shall have the duty which may be carried out through officers of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

(15) **EVIDENCE OF HUSBAND AND WIFE.** Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this section. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

(16) **EXTRADITION.** The governor may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state. The governor may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this subsection need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state. Any obligor who submits to the jurisdiction of the court of such other state and complies with the court's order of support shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance.

Approved March 9, 1951.
