

No. 207, A.]

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CHAPTER 345

AN ACT to amend 247.37 (2) and 247.38 of the statutes, relating to impounding records in divorce actions.

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

SECTION 1. 247.37 (2) of the statutes is amended to read:

247.37 (2) So far as said judgment or decree affects the status of the parties the court * * * *has the power to vacate or modify the same for sufficient cause shown, upon its own motion, or upon the application of either party to the action, at any time within one year from the granting of such judgment or decree, provided both parties are then living. But no such judgment or decree shall be vacated or modified without the service of notice of motion, or order to show cause on the divorce counsel, and on the parties to the action, if they * * * are found. The court may direct the divorce counsel or appoint some other attorney, to bring appropriate proceedings for the vacation of said judgment or decree. The compensation of the divorce counsel or other attorney for performing such services shall be at the rate of \$20 per day, same to be paid out of the county treasury upon order of the presiding judge and the certificate of the clerk of the court. If the judgment or decree * * * is vacated it shall restore the parties to the marital relation that existed before the granting of such judgment or decree. If after vacation of the judgment or decree either of the parties shall bring an action in this state for divorce against the other the court may order the complainant in such action to reimburse the county the amount paid by it to the divorce counsel or other attorney in connection with such vacation proceedings. Whenever a judgment of divorce is set aside pursuant to this subsection, the court shall order the record in the action impounded without regard to s. 247.19; and thereafter neither the record nor any part thereof shall be offered or admitted into evidence in any action or proceeding except by special order of the court of jurisdiction upon good cause shown in any paternity proceedings under ss. 52.21 to 52.45 or by special order of any court of record upon a showing of necessity to clear title to real estate.*

SECTION 2. 247.38 of the statutes is amended to read:

247.38 When a judgment of divorce has been granted and the parties shall afterwards intermarry, the court, upon their joint application and upon satisfactory proof of such marriage, may revoke all judgments and orders of divorce, alimony and subsistence which will not affect the right of third persons *and order the record impounded without regard to s. 247.19; and thereafter neither the record nor any part thereof shall be offered or admitted into evidence in any action or proceeding except by special order of the court of jurisdiction upon good cause shown in any paternity proceedings under ss. 52.21 to 52.45 or by special order of any court of record upon a showing of necessity to clear title to real estate.* After a final judgment of divorce has been rendered, the court, upon the application of the party paying alimony, on notice to, and on proof of the marriage, after such final judgment, of the party receiving such alimony, shall by order modify such final judgment and any orders made with respect thereto, by annulling the provisions of such final judgment or orders, or of both, directing payment of such alimony.

Approved August 28, 1959.