## 2003 ASSEMBLY BILL 181

March 21, 2003 – Introduced by Representatives Musser, Ainsworth, Pettis, Gronemus, Nass, Albers, Owens, Van Roy and Bies, cosponsored by Senators Schultz and Roessler. Referred to Committee on Family Law.

AN ACT to renumber and amend 767.26; and to create 767.26 (2m) of the statutes; relating to: excluding veterans disability payments from consideration for paying maintenance.

## Analysis by the Legislative Reference Bureau

Under current law, a court may include in a judgment for annulment, divorce, or legal separation an order requiring one party to pay maintenance (previously known as alimony) to the other party. Maintenance may be ordered for a limited or an indefinite time. In deciding whether to order maintenance and the amount to order, the court must consider a number of factors, such as the length of the marriage, the age and physical health of the parties, the property division that the court has already made, the earning capacity of the party seeking maintenance, the educational level of each party at the beginning of the marriage and at the commencement of the action, and any other factors the determines to be relevant.

This bill prohibits a court from considering a party's receipt of veterans disability payments when determining whether to require the party to pay maintenance or when determining the amount of maintenance that the party must pay. Currently, since disability payments are intended to compensate for lost income, they are generally treated as income and may be used as the basis for awarding maintenance.

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

## **ASSEMBLY BILL 181**

<b>Section 1.</b> 767.26 of the statutes is renumbered 767.26 $(1m)$ , and 767.26 $(1m)$
(intro.) and (j), as renumbered, are amended to read:
767.26 (1m) (intro.) Upon every judgment of annulment, divorce, or legal
separation, or in rendering a judgment in an action under s. $767.02(1)(g)$ or $(j)$ , the
court may, subject to sub. (2m), grant an order requiring maintenance payments to
either party for a limited or indefinite length of time after considering:
(j) Such Subject to sub. (2m), such other factors as the court may in each
individual case determine to be relevant.
<b>Section 2.</b> 767.26 (2m) of the statutes is created to read:
767.26 (2m) In deciding whether to require a party to pay maintenance or in
determining the amount of maintenance that a party is required to pay, the court

## SECTION 3. Initial applicability.

(1) This act first applies to maintenance determinations in actions or proceedings, including actions or proceedings to modify a judgment or order previously granted, that are commenced on the effective date of this subsection.

may not consider any veterans disability payments that the party receives.

17 (END)