

1 **AN ACT** *to amend* 767.59 (1k) of the statutes; **relating to:** prohibiting consideration
2 of income of payer's subsequent spouse, and permitting consideration of an
3 inheritance received by a payee, for maintenance revision purposes.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft, relating to prohibiting consideration of the income of the payer's subsequent spouse, and permitting consideration of an inheritance received by a payee, for maintenance revision purposes, was prepared for the Joint Legislative Council's Special Committee on Review of Spousal Maintenance Awards in Divorce Proceedings.

This bill draft:

- Removes from consideration for maintenance revision purposes the income of the payer's subsequent spouse.
- Permits consideration of an inheritance received by the payee, for revision of a maintenance award.

4 **SECTION 1.** 767.59 (1k) of the statutes is amended to read:
5 767.59 (1k) MAINTENANCE: CHANGE IN COST OF LIVING. In an action under this section
6 to revise maintenance payments, a substantial change in the cost of living for either party or
7 as measured by the federal bureau of labor statistics may be sufficient to support a revision
8 of the amount of maintenance, except that a change in an obligor's cost of living is not by itself
9 sufficient if payments are expressed as a percentage of income. In calculating an obligor's cost
10 of living, the court may not consider any income from a spouse of the obligor if the marriage
11 to that spouse occurred after the effective date of the original order for maintenance. Receipt
12 of property acquired by the payee by reason of death of another subsequent to the order or

1 judgment for maintenance payments may be sufficient to support a revision of the amount of
2 maintenance.

NOTE: Removes from consideration for spousal maintenance revision purposes the income of the payer's subsequent spouse. This provision also permits consideration of an inheritance received by the payee, for purposes of a revision of a maintenance award.

3 (END)