

1       **AN ACT** *to renumber* 767.56 (1) to (10); *to renumber and amend* 767.56 (intro.); and  
2       *to create* 767.56 (2) of the statutes; **relating to:** duration of maintenance awards.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft, relating to the duration of maintenance awards, was prepared for the Special Committee on Review of Spousal Maintenance Awards in Divorce Proceedings.

**Current Law**

Under current law (s. 767.56, stats.), maintenance may be awarded to a party for a limited or indefinite length of time, for an amount not defined by statute, after considering a list of statutory factors that includes the length of the marriage, the age and physical and emotional health of the parties, the educational levels of the parties, the earning capacity of the party seeking maintenance, the feasibility that the party seeking maintenance can become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage, and the contribution by one party to the education, training, or increased earning power of the other party.

**Bill Draft**

This bill draft revises the maintenance statute. It maintains the flexibility under current law for the court to set the amount of a maintenance award as appropriate based on the parties' particular circumstances.

The bill draft provides that maintenance for an indefinite term may not be awarded unless one of the following applies:

- A party has an incapacitating physical or mental disability.
- A party has substantial periods of physical placement with his or her child or disabled adult child.
- Such other impediment to a party becoming self-supporting as the court deems relevant.

3       **SECTION 1.** 767.56 (intro.) of the statutes is renumbered 767.56 (1) (intro.) and amended  
4       to read:

767.56 (1) **Maintenance amount.** (intro.) Upon a judgment of annulment, divorce, or legal separation, or in rendering a judgment in an action under s. 767.001 (1) (g) or (j), the court may grant an order requiring maintenance payments to either party for a limited or indefinite length of time an amount determined by the court after considering:

**SECTION 2.** 767.56 (1) to (10) of the statutes are renumbered 767.56 (1) (a) to (j).

**SECTION 3.** 767.56 (2) of the statutes is created to read:

767.56 (2) MAINTENANCE DURATION. (a) The court may grant an order requiring maintenance payments to either party for a limited length of time after considering the factors in sub. (1) of this section.

(b) Only if any of the following apply may the court award indefinite maintenance:

1. A party has an incapacitating physical or mental disability.

2. A party has substantial periods of physical placement with his or her child or disabled adult child.

3. Such other impediment to a party becoming self-supporting as the court determines to be relevant.

**SECTION 4. Initial applicability.** The treatment of section 767.56 (2) to (5) of the statutes first applies to parties filing a petition in an action for annulment, divorce, or legal separation, or in actions under section 767.001 (g) or (j), on the effective date of this section.

**(END)**