

1 **AN ACT** *to renumber and amend* 767.56 (except 767.56 (title)) and 767.58 (1); *to*
2 *amend* 766.70 (4) (a) 3. and 767.59 (3); and *to create* 767.56 (2c) and 767.58 (1) (c)
3 of the statutes; **relating to:** termination of maintenance upon the payee's or payer's
4 death and notices relating to maintenance.

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 termination of maintenance upon the payee's or payer's death and notices relating to maintenance, was prepared for the Joint Legislative Council's Special Committee on Review of Spousal Maintenance Awards in Divorce Proceedings.

5 **SECTION 1.** 766.70 (4) (a) 3. of the statutes is amended to read:

6 766.70 (4) (a) 3. A division of the obligations of the spouses existing on the date of the
7 request, after considering the classification of the obligation under s. 766.55 and the factors
8 specified under ss. 767.56 (1c) and 767.61.

9 **SECTION 2.** 767.56 (except 767.56 (title)) of the statutes is renumbered 767.56 (1c), and
10 767.56 (1c) (intro.), as renumbered, is amended to read:

11 767.56 (1c) FACTORS TO CONSIDER FOR GRANTING. (intro.) Upon a judgment of
12 annulment, divorce, or legal separation, or in rendering a judgment in an action under s.
13 767.001 (1) (g) or (j), the court may grant an order requiring maintenance payments to either
14 party for a limited or indefinite length of time, subject to sub. (2c), after considering all of the
15 following:

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

1 767.56 (2c) TERMINATES AT DEATH OF PAYEE OR PAYER. Unless already terminated for
2 another reason, maintenance granted under this section terminates upon the death of the payee
3 or the payer, whichever occurs first.

4 **SECTION 4.** 767.58 (1) of the statutes is renumbered 767.58 (1) (a), (b), and (d) and
5 amended to read:

6 767.58 (1) (a) Each order for child support, family support, or maintenance payments
7 shall include an order that the payer and payee notify the county child support agency under
8 s. 59.53 (5) of any change of address within 10 business days of such change.

9 (b) Each order for child support, family support, or maintenance payments shall also
10 include an order that the payer notify the county child support agency under s. 59.53 (5) and
11 the payee, within 10 business days, of any change of employer and of any substantial change
12 in the amount of his or her income, including receipt of bonus compensation, affecting his or
13 her ability to pay child support, family support, or maintenance. The order shall also include
14 a statement that notification of any substantial change in the amount of the payer's income will
15 not result in a change of the order unless a revision of the order under s. 767.59 or an annual
16 adjustment of the child or family support amount under s. 767.553 is sought.

17 (d) An order under this subsection is enforceable under ch. 785.

18 **SECTION 5.** 767.58 (1) (c) of the statutes is created to read:

19 767.58 (1) (c) Each order for family support or maintenance payments shall include an
20 order requiring the payee to notify the court and the payer within 10 business days of the
21 payee's remarriage.

NOTE: Requires the court, in an order granting family support or
 maintenance payments, to order the payee to notify the court and the
 payer within 10 business days of the payer's remarriage.

22 **SECTION 6.** 767.59 (3) of the statutes is amended to read:

767.59 (3) REMARRIAGE; VACATING MAINTENANCE ORDER. After a final judgment requiring maintenance payments has been rendered and the payee has remarried, the court shall, on application of the payer with notice to the payee and upon proof of the payee's remarriage, or upon receiving notice from the payee of the payee's remarriage, as required under s. 767.58 (1) (c), vacate the order requiring the payments.

NOTE: Requires the court, upon receiving notice from the payee of the payee's remarriage, as required under new s. 767.58 (1) (c) in this draft, to vacate the order requiring maintenance payments. Current law, maintained in this draft, already requires the court to vacate such an order on application of the payer, with notice to the payee, and upon proof of the payee's remarriage [s. 767.59 (3), stats.].

SECTION 7. Initial applicability.

(1) **REQUIRING NOTICE OF REMARRIAGE.** The creation of section 767.58 (1) (c) of the statutes first applies to orders for family support or maintenance payments that are granted on the effective date of this subsection.

(END)