

1 **AN ACT** *to create* 767.56 (2f) of the statutes; **relating to:** termination of maintenance
2 upon cohabitation of the payee.

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 termination of maintenance upon the cohabitation of the payee, was prepared for the Joint Legislative Council’s Special Committee on Review of Spousal Maintenance Awards in Divorce Proceedings.

3 **SECTION 1.** 767.56 (2f) of the statutes is created to read:

4 767.56 (2f) TERMINATES UPON COHABITATION OF PAYEE. Unless already terminated for
5 another reason, the court shall terminate maintenance granted under this section upon the
6 cohabitation of the payee with a third person, if the facts are sufficient to give the court a
7 reasonable belief that the payee is in a marriage–like relationship with the third person.

NOTE: Specifies that unless maintenance has already been terminated for another reason, maintenance payments under s. 767.56, stats., terminate upon the cohabitation of the payee with a third person. The court must be presented with facts sufficient to give it a reasonable belief that the payee is in a marriage–like relationship with the third person.

COMMENT: The committee should consider: (1) the likely increase in litigation if the language in this bill draft is enacted into law; and (2) whether the language in this bill draft meets the committee’s charge to make maintenance awards more uniform and predictable.