



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0667/P1
SWB:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 767.225 (1) (e); and *to amend* 565.30 (5m) (a), 767.34 (1),
2 767.35 (1) (c), 767.511 (6m), 767.531 (intro.), 767.54, 767.553 (1) (a), 767.59 (1),
3 767.61 (3) (i), 767.71 (1) (a), 767.73 (1) (a), 767.75 (1) (b), 767.77 (1) and 767.78
4 (1) of the statutes; **relating to:** elimination of family support.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

5 **SECTION 1.** 565.30 (5m) (a) of the statutes is amended to read:
6 565.30 (**5m**) (a) The administrator shall report to the department of children
7 and families the name, address and social security number of each winner of a lottery
8 prize that is payable in installments and the name, address and social security
9 number or federal income tax number of the person who has been assigned a lottery

1 prize that is payable in installments. Upon receipt of the report, the department of
2 children and families shall certify to the administrator whether any payee or
3 assignee named in the report is obligated to provide child support, spousal support,
4 maintenance or family support under s. 767.531, 2017 stats., or s. 767.001 (1) (f) or
5 (g), 767.225, 767.34, 767.511, ~~767.531~~, 767.56, 767.805 (4), 767.85, 767.863 (3),
6 767.89 (3), 767.893 (2m) or 948.22 (7) or ch. 769 and the amount required to be
7 withheld from the lottery prize under s. 767.75. Subject to par. (b), the administrator
8 shall withhold the certified amount from each payment made to the winner or
9 assignee and remit the certified amount to the department of children and families.

10 **SECTION 2.** 767.225 (1) (e) of the statutes is repealed.

11 **SECTION 3.** 767.34 (1) of the statutes is amended to read:

12 767.34 (1) **AUTHORITY.** The parties in an action for an annulment, divorce, or
13 legal separation may, subject to the approval of the court, stipulate for a division of
14 property, for maintenance payments, for the support of children, ~~for periodic family~~
15 ~~support payments under s. 767.531,~~ or for legal custody and physical placement, in
16 case a divorce or legal separation is granted or a marriage annulled.

17 **SECTION 4.** 767.35 (1) (c) of the statutes is amended to read:

18 767.35 (1) (c) To the extent that it has jurisdiction to do so, the court has
19 considered and approved or made provision for legal custody and physical placement,
20 the support of any child of the marriage entitled to support, the maintenance of either
21 spouse, ~~the support of the family under s. 767.531,~~ and the disposition of property.

22 **SECTION 5.** 767.511 (6m) of the statutes is amended to read:

23 767.511 (6m) **PILOT PROGRAM ON INTEREST RATE.** The department may conduct
24 a pilot program under which the interest that accrues on the amounts in arrears
25 specified in ~~sub. (6) and in s. 767.531, 2017 stats., and in sub. (6)~~ shall be at the rate

1 of 0.5 percent per month instead of 1 percent per month. If the department conducts
2 a pilot program under this subsection, the program may begin at any time after
3 December 31, 2013, and the new rate shall apply to interest that accrues during that
4 time.

5 **SECTION 6.** 767.531 (intro.) of the statutes is amended to read:

6 **767.531 Family support.** (intro.) ~~The court may make a financial order~~
7 ~~designated “family support” as a substitute for child support orders under s. 767.511~~
8 ~~and maintenance payment orders under s. 767.56.~~ Subject to s. 767.511 (6m), a party
9 ordered to pay family support under this section, 2017 stats., shall pay simple
10 interest at the rate of 1 percent per month on any amount in arrears that is equal to
11 or greater than the amount of child support due in one month. Subject to s. 767.511
12 (6m), if the party no longer has a current obligation to pay child support, interest at
13 the rate of 1 percent per month shall accrue on the total amount of child support in
14 arrears, if any. Interest under this section is in lieu of interest computed under s.
15 807.01 (4), 814.04 (4), or 815.05 (8) and is paid to the department or its designee
16 under s. 767.57. Except as provided in s. 767.57 (1m), the department or its designee
17 shall apply all payments received for family support ordered under this section, 2017
18 stats., as follows:

****NOTE: Since existing orders (issued before the effective date of the bill) are to remain in effect, this draft does not repeal the entire provision relating to family support. Rather, the draft locks in the current language of the statute to refer to family support orders before the elimination and leaves in place language relating to interest and DCF's application of payments received. Please let me know if additional changes are necessary.

19 **SECTION 7.** 767.54 of the statutes is amended to read:

20 **767.54 Required exchange of financial information.** In an action in
21 which the court has ordered a party to pay ~~child or~~ family support under s. 767.225,
22 2017 stats., or s.767.531, 2017 stats., or child support under this chapter, including

1 an action to revise a judgment or order under s. 767.59, the court shall require the
2 parties annually to exchange financial information. Information disclosed under
3 this section is subject to s. 767.127 (3). A party who fails to furnish information
4 required by the court under this section may be proceeded against for contempt of
5 court under ch. 785. If the court finds that a party has failed to furnish information
6 required under this section, the court may award to the party bringing the action
7 costs and, notwithstanding s. 814.04 (1), reasonable attorney fees.

8 **SECTION 8.** 767.553 (1) (a) of the statutes is amended to read:

9 767.553 (1) (a) An order for child ~~or family~~ support under this chapter may
10 provide for an annual adjustment in the amount to be paid based on a change in the
11 payer's income if the amount of child ~~or family~~ support is expressed in the order as
12 a fixed sum and based on the percentage standard established by the department
13 under s. 49.22 (9). No adjustment may be made under this section unless the order
14 provides for the adjustment.

15 **SECTION 9.** 767.59 (1) of the statutes is amended to read:

16 767.59 (1) DEFINITION. In this section, "support or maintenance order" means
17 a judgment or order providing for child support under this chapter or s. 48.355 (2)
18 (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a),
19 938.357 (5m) (a), 938.363 (2), or 948.22 (7), for maintenance payments under s.
20 767.56, for family support payments under ~~this chapter~~ s. 767.531, 2017 stats., or for
21 the appointment of trustees or receivers under s. 767.57 (5).

22 **SECTION 10.** 767.61 (3) (i) of the statutes is amended to read:

23 767.61 (3) (i) The amount and duration of an order under s. 767.56 granting
24 maintenance payments to either party, any order for periodic family support

1 payments under s. 767.531, 2017 stats., and whether the property division is in lieu
2 of such payments.

3 **SECTION 11.** 767.71 (1) (a) of the statutes is amended to read:

4 767.71 (1) (a) In this section, “support order” means an order for child support
5 under this chapter or s. 948.22 (7), an order for family support under this chapter,
6 2017 stats., or a stipulation approved by the court for child support under this
7 chapter.

8 **SECTION 12.** 767.73 (1) (a) of the statutes is amended to read:

9 767.73 (1) (a) In this subsection, “support payment” means a payment ordered
10 for support under s. 767.521, support under s. 767.501, child support or family
11 support under s. 767.225, child support under s. 767.511, family support under s.
12 767.531, 2017 stats., revised child or family support under s. 767.59, child support
13 under s. 767.863 (3), child support under s. 767.85, child support under s. 767.89,
14 child support under s. 767.805 (4), child support under ch. 769, or child support under
15 s. 948.22 (7).

16 **SECTION 13.** 767.75 (1) (b) of the statutes is amended to read:

17 767.75 (1) (b) “Payment order” means an order for child support under this
18 chapter, for maintenance payments under s. 767.225 or 767.56, for family support
19 under this chapter, 2017 stats., for costs ordered under s. 767.805 (4) or 767.89 (3),
20 for support by a spouse under s. 767.001 (1) (f), or for maintenance payments under
21 s. 767.001 (1) (g); an order for or obligation to pay the annual receiving and
22 disbursing fee under s. 767.57 (1e) (a); an order for a revision in a judgment or order
23 with respect to child support, maintenance, or family support payments under s.
24 767.59; a stipulation approved by the court for child support under this chapter; and
25 an order for child or spousal support entered under s. 948.22 (7).

