

Senate Bill 29

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CHAPTER 198, LAWS OF 1967

AN ACT to renumber 247.06 (3); to renumber and amend 262.05 (11) and (12); to amend 247.06 (title); and to create 247.055 (1m), 247.057, 247.06 (3) and 262.05 (11) of the statutes, relating to personal jurisdiction in actions for support, alimony and property division.

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

SECTION 1. 247.055 (1m) of the statutes is created to read:

247.055 (1m) PERSONAL JURISDICTION OVER NONDOMICILED DEFENDANT. If personal jurisdiction over the defendant is acquired under s. 247.057, the court may determine claims and enter a judgment in personam against the defendant in an action to determine a question of status under s. 247.05 (1), (2) and (3), or in an independent action for support, alimony or property division. Such independent action must be commenced in the county in which the plaintiff resides at the commencement of the action.

SECTION 1d. 247.057 of the statutes is created to read:

247.057 ACTIONS IN WHICH PERSONAL CLAIMS ARE ASSERTED AGAINST NONDOMICILED DEFENDANT. If a personal claim is asserted against the defendant in an action under s. 247.05 (1), (2) or (3) or 247.055 (1m), the court has jurisdiction to grant such relief if:

(1) The defendant resided in this state in marital relationship with the plaintiff for not less than 6 consecutive months within the 6 years next preceeding the commencement of the action;

(2) After the defendant left the state the plaintiff continued to reside in this state;

(3) The defendant cannot be served under s. 247.06; and

(4) The defendant is served under s. 247.062 (1).

SECTION 1m. 247.06 (title) of the statutes is amended to read:

247.06 JURISDICTION IN ACTIONS IN WHICH PERSONAL CLAIMS ARE ASSERTED AGAINST DEFENDANT.

SECTION 2. 247.06 (3) of the statutes is renumbered 247.06 (4).

SECTION 3. 247.06 (3) of the statutes is created to read:

247.06 (3) Comes under the court's jurisdiction under s. 247.057.

SECTION 4. 262.05 (11) and (12) of the statutes are renumbered 262.05 (12) and (13) and amended to read:

262.05 (12) In any action against a personal representative to enforce a claim against the deceased person represented where one or more of the grounds stated in subs. (2) to ~~(10)~~ (11) would have furnished a basis for jurisdiction over the deceased had he been living and it is immaterial under this subsection whether the action had been commenced during the lifetime of the deceased.

(13) In any action brought in reliance upon jurisdictional grounds stated in subs. (2) to ~~(10)~~ (11) there cannot be joined in the same action any other claim or cause against the defendant unless grounds exist under this section for personal jurisdiction over the defendant as to the claim or cause to be joined.

SECTION 5. 262.05 (11) of the statutes is created to read:

262.05 (11) CERTAIN MARITAL ACTIONS. In any action to determine a question of status under s. 247.05 (1), (2) and (3), or in an independent action for support, alimony or property division commenced in the county in which the plaintiff resides at the commencement of the action when the defendant resided in this state in marital relationship with the plaintiff for not less than 6 consecutive months within the 6 years next preceding the commencement of the action, and after the defendant left the state the plaintiff continued to reside in this state, and the defendant cannot be served under s. 247.06 but is served under s. 247.062 (1):

Approved November 6, 1967.