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# Wisconsin Legislative Council

## ACT MEMO

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Prepared by: Amber Otis, Senior Staff Attorney

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### 2021 Wisconsin Act 259 [2021 Senate Bill 604]

### Types of Financial Information Required to Be Exchanged Under Support Orders in Family Court

## BACKGROUND

In actions in which a family court has ordered payment of family support<sup>1</sup> or child support, the family court must require the parties to annually exchange financial information. Prior law did not specify the types of financial information to be exchanged, nor did prior law specify any particular date by which the exchange must occur, other than the requirement that the exchange occur annually.

## 2021 WISCONSIN ACT 259

2021 Wisconsin Act 259 does all of the following: (1) specifies the types of financial information that the family court must order the parties to exchange; (2) specifies a date certain by which the exchange must occur; (3) allows for the redaction or removal of certain personally identifying information; and (4) applies these requirements to family court orders requiring payment of maintenance.

Specifically, under the act, in an action in which the family court has ordered a party to pay family support, child support, or maintenance, the court must require the parties to exchange financial information no later than May 1 of each calendar year, unless the parties agree to a different date in writing. The act clarifies that the information required to be exchanged includes all of the following:

- A complete copy of the party's federal and state income tax return for the prior calendar year, including all W-2 forms and 1099 forms.
- A year-end paycheck stub from all sources of employment for the prior calendar year.
- The party's most recent paycheck stub from all sources of employment showing year-to-date gross and net income.
- Any other documentation of the party's income from all sources for the 12-month period preceding the exchange of information.

The act also allows, unless otherwise ordered by the court, a party to redact or remove the following personally identifying information from the documents required to be exchanged:

- The party's home or work address, if the party is participating in the state's address confidentiality program, or if the party's address is otherwise protected or sealed.
- The name, date of birth, and address of the party's spouse.

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<sup>1</sup> [2021 Wisconsin Act 35](#) repealed a family court's authority to order family support and provided that no new family support orders may be issued beginning on that act's effective date. However, family support orders issued before Act 35's effective date remain in effect and are subject to all provisions in state law applicable to family support orders.

- The name, date of birth, and other personally identifying information of a minor child not related to the other party.
- Any Social Security number.
- An identification number assigned by an employer.
- A taxpayer identification number assigned by the Department of Revenue or federal Internal Revenue Service.
- Any depository account number, investment account number, or other personally identifying number related to any investment tool.
- A military identification number.
- Any other personally identifying information that is intended to be used to access services, funds, or benefits of any kind to which an individual is entitled.
- Any other personally identifying information that is not required to determine the income or financial status of the party.

**Effective date:** April 17, 2022

AO:jal