



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0144/1
TJD:ahc

2017 SENATE BILL 19

February 2, 2017 - Introduced by Senators KAPENGA, CRAIG, STROEBEL and WANGGAARD, cosponsored by Representatives SANFELIPPO, ALLEN, BRANDTJEN, E. BROOKS, DUCHOW, GANNON, HUTTON, JACQUE, KATZMA, KLEEFISCH, KNODL, KREMER, KRUG, KUGLITSCH, KULP, MURPHY, OTT, SKOWRONSKI, SPIROS, THIESFELDT and WICHGERS. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT** *to create* 49.79 (1) (bg), 49.79 (1) (em), 49.79 (6m), 49.79 (6p) and 49.79
2 (6t) of the statutes; **relating to:** requiring child support compliance for
3 FoodShare benefits.

Analysis by the Legislative Reference Bureau

This bill prohibits certain individuals and parents who refuse to cooperate in determining the paternity of a child or establishing or enforcing a child support order from being eligible for FoodShare benefits. The bill also prohibits certain parents who refuse to cooperate in providing or obtaining support for their child or who are delinquent in child support payments and do not satisfy an exception specified in the bill from being eligible for FoodShare benefits. FoodShare, also known as the food stamp program and the federal Supplemental Nutrition Assistance Program, provides benefits to eligible low-income households for the purchase of food. FoodShare is administered by the Department of Health Services. The federal government pays the benefits for FoodShare while the state and federal government share the cost of administration.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

SENATE BILL 19**SECTION 1**

1 **SECTION 1.** 49.79 (1) (bg) of the statutes is created to read:

2 49.79 (1) (bg) “Custodial parent” has the meaning given in s. 49.141 (1) (b).

3 **SECTION 2.** 49.79 (1) (em) of the statutes is created to read:

4 49.79 (1) (em) “Noncustodial parent” has the meaning given in s. 49.141 (1) (h).

5 **SECTION 3.** 49.79 (6m) of the statutes is created to read:

6 49.79 (6m) ELIGIBILITY DENIAL; CHILD SUPPORT NONCOMPLIANCE. (a) In this
7 subsection, what constitutes a refusal to cooperate is determined by the department
8 in accordance with 7 USC 2015 (l) and (m) and any federal regulations promulgated
9 under 7 USC 2015 (l) and (m).

10 (b) An individual is ineligible to participate in the food stamp program in a
11 month in which any of the following is true:

12 1. The individual satisfies all of the following:

13 a. The individual is a custodial parent of or lives with and exercises parental
14 control over a child who is under the age of 18 and who has an absent parent.

15 b. The individual refuses to cooperate fully, in good faith, with efforts directed
16 at establishing or enforcing any support order or obtaining any other payments or
17 property to which that individual or the child may have rights.

18 c. The individual does not have good cause for refusing to cooperate, as
19 determined by the department in accordance with 7 USC 2015 (l) (2) and any federal
20 regulations promulgated under 7 USC 2015 (l) (2).

21 2. The individual is a noncustodial parent of a child under the age of 18 and the
22 individual refuses to cooperate in providing or obtaining support for the child.

23 **SECTION 4.** 49.79 (6p) of the statutes is created to read:

24 49.79 (6p) ELIGIBILITY DENIAL; PATERNITY. (a) In this subsection, what
25 constitutes a refusal to cooperate is determined by the department in accordance

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1 with 7 USC 2015 (l) and (m) and any federal regulations promulgated under 7 USC
2 2015 (l) and (m).

3 (b) An individual is ineligible to participate in the food stamp program in a
4 month in which any of the following is true:

5 1. The individual satisfies all of the following:

6 a. The individual is a custodial parent of or lives with and exercises parental
7 control over a child who is under the age of 18 and who has an absent parent.

8 b. The individual refuses to cooperate fully, in good faith, with applicable efforts
9 directed at establishing the paternity of the child.

10 c. The individual does not have good cause for refusing to cooperate, as
11 determined by the department in accordance with 7 USC 2015 (l) (2) and any federal
12 regulations promulgated under 7 USC 2015 (l) (2).

13 2. The individual is alleged to be the father under s. 767.80 of a child under the
14 age of 18 and the individual refuses to cooperate in efforts directed at establishing
15 the paternity of the child.

16 3. If the individual is a noncustodial parent who is the mother of a child under
17 the age of 18 and the paternity of the child has not been established, the individual
18 refuses to cooperate in efforts directed at establishing the paternity of the child.

19 **SECTION 5.** 49.79 (6t) of the statutes is created to read:

20 49.79 (6t) ELIGIBILITY DENIAL; DELINQUENT SUPPORT. An individual is ineligible
21 to participate in the food stamp program in a month in which the individual is
22 obligated by court order to provide support payments and is delinquent in making
23 those court-ordered payments, unless any of the following is true:

24 (a) The delinquency balance equals less than 3 months of the court-ordered
25 support payment amount.

