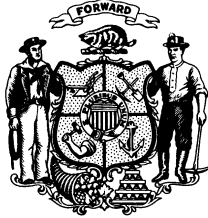


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CLEARINGHOUSE RULE 97-036

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

4. Adequacy of References to Related Statutes, Rules and Forms

a. In the analysis of the rule, s. 46.25 (9) (b), Stats., is cited as granting authority for promulgation. This provision has been renumbered s. 46.247, Stats., and the cite should be corrected accordingly.

b. In s. HSS 1.07 (1), when court orders under particular statutes are referenced, s. 938.183 (2), Stats., should be added.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. A title should be created for s. HSS 1.03 (12m), since the other subsections in that section have titles.

b. In s. HSS 1.05 (2) (c), the beginning of the second line should read “pursuant to a court order under ch. 48 or 938, Stats.”

c. In s. HSS 1.07 (3), the agency responsible to recommend support must notify the clerk of the court to redirect the child’s share of support to the Department of Corrections or the county agency responsible for the child’s legal or physical custody. Are there any other agencies to which the support would be redirected, in addition to the Department of Corrections or a county agency? If so, those agencies should be added.

d. In s. HSS 1.07 (5), parents do not receive “notice” of support-related matters under s. 48.357 (5m), Stats., but rather they receive information. The word “notice” implies an official legal action. Therefore, “notice” should be replaced with the word “information.”

e. In s. HSS 1.07 (7) (a), a period should be placed at the end of the paragraph.

f. Section HSS 1.07 (7) (c) 1. should be reworded so that it agrees with the prior two paragraphs. For example, subd. 1 could be reworded as follows: “To prevent family impoverishment, the amount of support determined using the schedule in subd. 2., if all of the following conditions are met:”. This should be done because par. (c) is meant to be one of three alternatives under sub. (7).

g. Section HSS 1.07 (7) (c) 2. is confusing. The Note indicates that the schedule, at certain income levels, will yield a higher support amount than that computed using the percentage-of-income standard. Will this higher amount be applied? If so, this should be clarified. It does not appear that applying a higher amount of support would be supported by the provisions of the rule.

h. Since s. HSS 1.07 (8) spells out deviation factors, it is not clear that the term “deviation factors” needs to be defined in s. HSS 1.07 (2) (d). If the definition is retained, could it refer to “the factors in sub. (8)” rather than “the factors in s. 46.10 (14) (c), Stats.”?