



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 268**  
[January 2018 Special Session  
Assembly Bill 8]

**Child Support Compliance for the  
Medical Assistance Program**

2017 Wisconsin Act 268 revises the Medical Assistance provisions that require a parent to cooperate in obtaining child support or other payments for a dependent child.

With certain exceptions, the Act requires a parent to cooperate in obtaining and providing child support. The Act applies the requirement to both payers and recipients of child support, rather than to only recipients of child support as required under prior law. If a parent (or a person alleged to be the father) refuses to cooperate regarding paternity or child support, the parent is ineligible for Medical Assistance in the month in which the refusal occurs.

A parent is excused from cooperating in obtaining and providing child support if the parent is not an able-bodied adult. For purposes of being excused from this requirement, a parent is not an “able-bodied adult” if the parent is age 65 or older, disabled, pregnant, or otherwise not able-bodied as defined by the Department of Health Services (DHS).

A custodial parent may be excused for refusing to cooperate for good cause, as determined in accordance with federal law.

A parent who is required to pay child support is excused from cooperating in providing child support if any of the following applies:

- The delinquent balance equals less than the amount due for three months’ payments.
- A court has granted a delay in the child support payments.
- The parent is complying with an approved payment plan.
- The parent is participating in a recognized employment and training program.
- The parent is participating in a substance abuse treatment program, as determined by DHS.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

The Act requires notification of the child support compliance requirement at the time a person applies for Medical Assistance. The Act also specifies that a dependent child remains eligible for Medical Assistance regardless of a parent's compliance in cooperating regarding child support.

*Effective date:* The Act took effect April 12, 2018. The Act does not apply if DHS or the Department of Children and Families determines that federal approval is required, to the extent that any portion of the child support compliance requirement is not approved.

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