



## 1997 ASSEMBLY BILL 192

March 20, 1997 - Introduced by Representatives AINSWORTH, KREUSER, GOETSCH, WOOD, DUFF, OTT, BRANDEMUEHL, OLSEN, HAHN, OWENS, MUSSER, LORGE, F. LASEE, LA FAVE, GUNDERSON and HARSDORF, cosponsored by Senator WIRCH. Referred to Committee on Children and Families.

1     **AN ACT** *to repeal* 767.25 (1m) (d) and 767.51 (5) (f); *to renumber* 303.08 (5) (a)  
2             and 767.25 (1m) (a); *to renumber and amend* 767.25 (1m) (c); *to amend*  
3             20.921 (2) (a), 46.10 (14) (b), 46.10 (14) (c) (intro.), 46.10 (14) (d), 102.27 (2) (a),  
4             303.08 (5) (c), 303.08 (5m), 767.25 (1m) (intro.), 767.25 (1m) (e), 767.25 (1n),  
5             767.25 (2), 767.265 (3h), 767.265 (4), 767.265 (6) (a), 767.265 (6) (b), 767.265 (6)  
6             (c), 767.51 (5) (intro.), 767.51 (5) (i) and 767.51 (5d); *to repeal and recreate*  
7             46.10 (14) (c) 7.; and *to create* 49.22 (9m), 303.08 (5) (ac), 767.23 (1) (m), 767.25  
8             (1r), 767.25 (4g), 767.25 (4p), 767.32 (2p), 767.465 (1m), 767.48 (5) (c), 767.51  
9             (3g), 767.51 (3p), 767.51 (5) (cm) and 767.51 (5j) of the statutes; **relating to:**  
10            considering certain statutory factors in deviating from the child support  
11            percentage standard, treatment of child care expenses, ordering trusts for the  
12            support of children, order of disbursement of wages for Huber law inmates,  
13            reducing a payer's child support obligation if the child receives a federal benefit,  
14            requiring a study of county child support agency staffing, ordering payment of

**ASSEMBLY BILL 192**

1 postmajority support for a child with exceptional educational needs, requiring  
2 a report evaluating the adequacy of child support orders and paternity  
3 judgments and blood test costs.

---

***Analysis by the Legislative Reference Bureau***

This bill makes a number of miscellaneous changes relating to child support and paternity actions. Under current law, a court must determine child support payments by using the percentage standard, which specifies the amount of child support as a function of the payer's gross monthly income and the number of children being supported. Upon the request of a party, the court may modify the amount of child support that would result by using the percentage standard if, after considering a number of factors, the court determines that using the percentage standard is unfair to the child or any of the parties. The bill requires the court, without request, to modify the amount of child support that would result by using the percentage standard if, after considering those of the specified factors that the court determines are relevant, the court determines that the resulting amount of child support is unfair to the child or any of the parties. This change applies to the determination of child support in divorce and paternity actions and when children are placed in substitute care. The bill also makes a couple of changes with respect to the factors that a court must consider when deciding whether to order child support that deviates from the amount that would result by using the percentage standard in order to make those factors more consistent among the 3 situations in which the court determines child support (divorce, paternity and substitute care).

Also related to determining child support, the bill requires a court to reduce the amount of child support that the court would otherwise order in a divorce or paternity action by any amount of social security benefits received by the child as a result of the payer's entitlement to federal old-age or disability insurance benefits. Under the bill, the court may order either or both parties in a divorce or paternity action to pay for the support of a child who is 19 years of age or older if the child has exceptional educational needs resulting from any of a list of specified handicaps and disabilities and is participating in a special educational program. Current law authorizes a court, when ordering child support, to set aside a portion of the support in a separate fund or trust for the support, education and welfare of the child. The bill specifies that a court may set aside support in this manner on its own motion or on the request of a party or the guardian ad litem. The bill requires a court, when ordering child support in a divorce or paternity action, to consider a child's day care expenses and authorizes the court to assign responsibility to one or both parents for payment of those day care expenses that are necessary to permit either parent to work. The court may order that day care expenses be withheld from income if a parent who is assigned responsibility to pay day care expenses fails to make a payment within 10 days after its due date. Responsibility for payment of a child's

**ASSEMBLY BILL 192**

day care expenses may also be assigned in a temporary order during the pendency of the action.

The bill makes 2 changes to procedure in paternity actions. Under current law, if the petitioner in a paternity action fails to appear at the pretrial hearing or trial, the court may enter an order dismissing the action. If the alleged father is the respondent and he fails to appear at the first appearance, scheduled genetic test, pretrial hearing or trial, the court may enter an order adjudicating the alleged father to be the father of the child. Under the bill, if the mother of the child fails to appear at the first appearance, scheduled genetic testing, pretrial hearing or trial and there is sufficient evidence to establish the alleged father as the father of the child, the court may enter an order adjudicating the alleged father to be the father of the child. Also under the bill, unless the state is a petitioner, the court may order any or all of the parties in a paternity action to pay for the cost of genetic tests in advance if the court finds that the parties have sufficient resources to pay those costs.

The bill makes a change in the disbursement of wages or other compensation earned by prisoners who are allowed to leave jail for employment purposes ("Huber law" privileges). Prisoners who have Huber law privileges for employment outside of jail must turn over all compensation to the sheriff. Under current law, the sheriff must use the compensation first for the prisoner's board, next, for the prisoner's travel expenses to and from work and then for the support of any dependents of the prisoner. The bill requires the sheriff to pay any child support ordered in an action affecting the family, such as a divorce or a paternity action, first. Next, the sheriff is to pay for the prisoner's board, then for necessary travel expenses and then for support of any dependents of the prisoner, other than support ordered in an action affecting the family.

The bill requires the department of industry, labor and job development (DILJD) to study the staffing levels of all county child and spousal support agencies in the state and to determine an appropriate staffing level. DILJD must submit a report on the study no later than January 1, 1998, to the appropriate standing committees.

Finally, the bill requires DILJD to submit a report to the legislature on January 1, 1999, and every 4 years thereafter, on the use of the percentage standard for determining child support. (Although the percentage standard was originally established by administrative rule by the department of health and family services, DILJD now has responsibility for the rule and any amendments to it.) The report must evaluate the adequacy of support orders determined by using the percentage standard and must take into consideration economic data on the cost of raising children in households with one parent and in households with 2 parents, economic data on the cost of raising children in 2 households with shared physical placement of the children, case data on the application of and deviation from the percentage standard and case data on the costs of providing health care and day care for children for whom child support has been ordered.

**ASSEMBLY BILL 192**

For further information see the *state and local* 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:*

1           **SECTION 1.** 20.921 (2) (a) of the statutes is amended to read:

2           20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or  
3 state law or court-ordered assignment of income under s. 46.10 (14) (e), 767.23 (1)  
4 (L) or (m), 767.25 (4m) (c) or (4p) (c), 767.265 or 767.51 (3m) (c) or (3p) (c) to make  
5 deductions from the salaries of state officers or employes or employes of the  
6 University of Wisconsin Hospitals and Clinics Authority, the state agency or  
7 authority by which the officers or employes are employed is responsible for making  
8 such deductions and paying over the total thereof for the purposes provided by the  
9 laws or orders under which they were made.

10           **SECTION 2.** 46.10 (14) (b) of the statutes is amended to read:

11           46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability  
12 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the  
13 parent's minor child who has been placed by a court order under s. 48.355, 48.357,  
14 938.183 (2), 938.355 or 938.357 in a residential, nonmedical facility such as a group  
15 home, foster home, treatment foster home, child caring institution or juvenile  
16 correctional institution shall be determined by the court by using the percentage  
17 standard established by the department of industry, labor and job development  
18 under s. 49.22 (9) and by applying the percentage standard in the manner  
19 established by the department of health and family services under s. 46.247.

20           **SECTION 3.** 46.10 (14) (c) (intro.) of the statutes is amended to read:

**ASSEMBLY BILL 192**

1           46.10 (14) (c) (intro.) ~~Upon request by a parent, the~~ The court may shall modify  
2           the amount of child support payments determined under par. (b), ~~subject to par. (em),~~  
3           if, after considering all of the following factors that the court determines are relevant,  
4           the court finds by the greater weight of the credible evidence that the ~~use of the~~  
5           ~~percentage standard~~ amount of child support determined under par. (b) is unfair to  
6           the child or to either of the parents:

7           **SECTION 4.** 46.10 (14) (c) 7. of the statutes is repealed and recreated to read:

8           46.10 (14) (c) 7. Extraordinary travel expenses incurred in exercising parental  
9           visitation with the child.

10          **SECTION 5.** 46.10 (14) (d) of the statutes is amended to read:

11          46.10 (14) (d) If the court finds under par. (c) that ~~use of the percentage~~  
12          ~~standard~~ the amount of child support determined under par. (b) is unfair to the minor  
13          child or either of the parents, the court shall state in writing or on the record the  
14          amount of support that would be required by using the percentage standard, the  
15          amount by which the court's order deviates from that amount, its reasons for finding  
16          that ~~use of the percentage standard~~ the amount of child support determined under  
17          par. (b) is unfair to the child or the parent, its reasons for the amount of the  
18          modification and the basis for the modification.

19          **SECTION 6.** 49.22 (9m) of the statutes is created to read:

20          49.22 (9m) The department shall, by January 1, 1999, and by January 1 every  
21          4 years thereafter, submit a report to the legislature under s. 13.172 (2) on the use  
22          of the child support percentage standard under sub. (9). The report shall evaluate  
23          the adequacy of child support orders determined by using the percentage standard  
24          and shall include consideration of the following factors:

**ASSEMBLY BILL 192****SECTION 6**

1 (a) Economic data on the cost of raising children in households with only one  
2 parent and in households with 2 parents.

3 (b) Economic data on the cost of raising children in 2 households under shared  
4 physical placement arrangements.

5 (c) Case data on the application of and deviation from the percentage standard  
6 and case data, to the extent that it is available, on the costs incurred in providing  
7 health care and day care for children for whom child support has been ordered.

8 **SECTION 7.** 102.27 (2) (a) of the statutes is amended to read:

9 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),  
10 767.23 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c), 767.265 (1) or 767.51 (3m) (c) or (3p)  
11 (c).

12 **SECTION 8.** 303.08 (5) (a) of the statutes is renumbered 303.08 (5) (am).

13 **SECTION 9.** 303.08 (5) (ac) of the statutes is created to read:

14 303.08 (5) (ac) Payment of child support ordered under ch. 767;

15 **SECTION 10.** 303.08 (5) (c) of the statutes is amended to read:

16 303.08 (5) (c) Support of the prisoner's dependents, if any, other than child  
17 support ordered under ch. 767;

18 **SECTION 11.** 303.08 (5m) of the statutes is amended to read:

19 303.08 (5m) A county may receive payments under sub. (5) ~~(a)~~ (am) and (b) or  
20 seek reimbursement under s. 302.372, but may not collect for the same expenses  
21 twice.

22 **SECTION 12.** 767.23 (1) (m) of the statutes is created to read:

23 767.23 (1) (m) Requiring either party or both parties to execute an assignment  
24 of income for payment of a minor child's day care expenses that are necessary to  
25 permit either parent to work.

**ASSEMBLY BILL 192**

1           **SECTION 13.** 767.25 (1m) (intro.) of the statutes is amended to read:

2           767.25 **(1m)** (intro.) ~~Upon request by a party, the~~ The court may shall modify  
3 the amount of child support ~~payments~~ determined under sub. (1j) if, after  
4 considering all of the following factors that the court determines are relevant, the  
5 court finds by the greater weight of the credible evidence that ~~use of the percentage~~  
6 ~~standard~~ the amount of child support determined under sub. (1j) is unfair to the child  
7 or to any of the parties:

8           **SECTION 14.** 767.25 (1m) (a) of the statutes is renumbered 767.25 (1m) (am).

9           **SECTION 15.** 767.25 (1m) (c) of the statutes is renumbered 767.25 (1m) (ac) and  
10 amended to read:

11           767.25 **(1m)** (ac) The needs of the child and the standard of living the child  
12 would have enjoyed had the marriage not ended in annulment, divorce or legal  
13 separation.

14           **SECTION 16.** 767.25 (1m) (d) of the statutes is repealed.

15           **SECTION 17.** 767.25 (1m) (e) of the statutes is amended to read:

16           767.25 **(1m)** (e) The cost of day care if the custodian works outside the home,  
17 or the value of custodial services performed by the custodian if it is appropriate for  
18 the custodian remains to remain in the home as a full-time parent.

19           **SECTION 18.** 767.25 (1n) of the statutes amended to read:

20           767.25 **(1n)** If the court finds under sub. (1m) that ~~use of the percentage~~  
21 ~~standard~~ the amount of child support determined under sub. (1j) is unfair to the child  
22 or ~~the requesting~~ any party, the court shall state in writing or on the record the  
23 amount of support that would be required by using the percentage standard, the  
24 amount by which the court's order deviates from that amount, its reasons for finding  
25 that ~~use of the percentage standard~~ the amount of child support determined under

**ASSEMBLY BILL 192****SECTION 18**

1 sub. (1j) is unfair to the child or ~~the~~ any party, its reasons for the amount of the  
2 modification and the basis for the modification.

3 Section 19. 767.25 (1r) of the statutes is created to read:

4 767.25 (1r) The court shall reduce the amount of a parent's child support  
5 payments determined under sub. (1j) or (1m), if the court finds that the child receives  
6 benefits under 42 USC 402 (d) based on the parent's entitlement to federal old-age  
7 or disability insurance benefits under 42 USC 401 to 433. The parent's child support  
8 payments shall be reduced by the amount of the benefit under 42 USC 402 (d)  
9 received by the child.

10 **SECTION 20.** 767.25 (2) of the statutes is amended to read:

11 767.25 (2) The court may, upon request by any party or the guardian ad litem  
12 or upon its own motion, protect and promote the best interests of the minor children  
13 by setting aside a portion of the child support which either any party is ordered to  
14 pay in a separate fund or trust for the support, education and welfare of such  
15 children.

16 **SECTION 21.** 767.25 (4g) of the statutes is created to read:

17 767.25 (4g) The court may order either party or both parties to pay for the  
18 support of any child of the parties who is 19 years of age or older and who satisfies  
19 all of the following:

20 (a) Is a child with exceptional educational needs, as defined in s. 115.76 (3).

21 (b) Is participating in a special education program under subch. V of ch. 115.

22 **SECTION 22.** 767.25 (4p) of the statutes is created to read:

23 767.25 (4p) (a) When ordering child support for a child under sub. (1), the court  
24 shall consider and may specifically assign responsibility to one or both parents for  
25 and direct the manner of payment of the child's day care expenses that are necessary



**ASSEMBLY BILL 192**

1 to permit either parent to work. A parent may be required to initiate or continue  
2 payment of day care expenses for a child under this subsection.

3 (b) In directing the manner of payment of a child's day care expenses, the court  
4 shall order that payment be made to one of the following:

5 1. The other parent.

6 2. The day care provider.

7 3. The clerk of court for disbursement to the person for whom the payment has  
8 been awarded.

9 (c) If a parent who is ordered to pay child care expenses under this subsection  
10 fails to make a required payment within 10 days after its due date, the court may  
11 order that payment be withheld from the person's income and assigned for the  
12 payment of day care expenses. If the court orders income withholding and  
13 assignment for the payment of day care expenses, the court shall direct that payment  
14 under the assignment be made to the clerk of court for disbursement to the other  
15 parent as provided in s. 767.29 and shall send notice of the assignment and of the  
16 opportunity to request a hearing in the manner provided under s. 767.265 (2h). The  
17 clerk of court shall keep a record of all moneys received and disbursed by the clerk  
18 for day care expenses that are directed to be paid to the clerk.

19 **SECTION 23.** 767.265 (3h) of the statutes is amended to read:

20 767.265 (3h) A person who receives notice of assignment under this section or  
21 s. 767.23 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c) or 767.51 (3m) (c) or (3p) (c) or similar  
22 laws of another state shall withhold the amount specified in the notice from any  
23 money that person pays to the payer later than one week after receipt of notice of  
24 assignment. Within 5 days after the day the person pays money to the payer, the  
25 person shall send the amount withheld to the clerk of court or support collection

**ASSEMBLY BILL 192****SECTION 23**

1 designee, whichever is appropriate, of the jurisdiction providing notice or, in the case  
2 of an amount ordered withheld for health care expenses, to the appropriate health  
3 care insurer, provider or plan. Except as provided in sub. (3m), for each payment sent  
4 to the clerk of court or support collection designee, the person from whom the payer  
5 receives money shall receive an amount equal to the person's necessary  
6 disbursements, not to exceed \$3, which shall be deducted from the money to be paid  
7 to the payer. Section 241.09 does not apply to assignments under this section.

8 **SECTION 24.** 767.265 (4) of the statutes is amended to read:

9 767.265 (4) A withholding assignment or order under this section or s. 767.23  
10 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c) or 767.51 (3m) (c) or (3p) (c) has priority over  
11 any other assignment, garnishment or similar legal process under state law.

12 **SECTION 25.** 767.265 (6) (a) of the statutes is amended to read:

13 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of  
14 assignment the person from whom the payer receives money fails to withhold the  
15 money or send the money to the clerk of court or support collection designee or the  
16 appropriate health care insurer, provider or plan as provided in this section or s.  
17 767.23 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c) or 767.51 (3m) (c) or (3p) (c), the person  
18 may be proceeded against under the principal action under ch. 785 for contempt of  
19 court or may be proceeded against under ch. 778 and be required to forfeit not less  
20 than \$50 nor more than an amount, if the amount exceeds \$50, that is equal to 1%  
21 of the amount not withheld or sent.

22 **SECTION 26.** 767.265 (6) (b) of the statutes is amended to read:

23 767.265 (6) (b) If an employer who receives an assignment under this section  
24 or s. 767.23 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c) or 767.51 (3m) (c) or (3p) (c) fails  
25 to notify the clerk of court or support collection designee, whichever is appropriate,

**ASSEMBLY BILL 192**

1 within 10 days after an employe is terminated or otherwise temporarily or  
2 permanently leaves employment, the employer may be proceeded against under the  
3 principal action under ch. 785 for contempt of court.

4 **SECTION 27.** 767.265 (6) (c) of the statutes is amended to read:

5 767.265 **(6)** (c) No employer may use an assignment under this section or s.  
6 767.23 (1) (L) or (m), 767.25 (4m) (c) or (4p) (c) or 767.51 (3m) (c) or (3p) (c) as a basis  
7 for the denial of employment to a person, the discharge of an employe or any  
8 disciplinary action against an employe. An employer who denies employment or  
9 discharges or disciplines an employe in violation of this paragraph may be fined not  
10 more than \$500 and may be required to make full restitution to the aggrieved person,  
11 including reinstatement and back pay. Except as provided in this paragraph,  
12 restitution shall be in accordance with s. 973.20. An aggrieved person may apply to  
13 the district attorney or to the department for enforcement of this paragraph.

14 **SECTION 28.** 767.32 (2p) of the statutes is created to read:

15 767.32 **(2p)** The court shall reduce the amount of a parent's revised child  
16 support payments determined under sub. (2) or (2m), if the court finds that the child  
17 receives benefits under 42 USC 402 (d) based on the parent's entitlement to federal  
18 old-age or disability insurance benefits under 42 USC 401 to 433. The parent's child  
19 support payments shall be reduced by the amount of the benefit under 42 USC 402  
20 (d) received by the child.

21 **SECTION 29.** 767.465 (1m) of the statutes is created to read:

22 767.465 **(1m)** **JUDGMENT WHEN MOTHER FAILS TO APPEAR.** Notwithstanding sub.  
23 (1), a court may enter an order adjudicating the alleged father to be the father of the  
24 child under s. 767.51 if the mother of the child fails to appear at the first appearance,  
25 unless the first appearance is not required under s. 767.457 (2), scheduled genetic

**ASSEMBLY BILL 192****SECTION 29**

1 test, pretrial hearing or trial if sufficient evidence exists to establish the alleged  
2 father as the father of the child.

3 **SECTION 30.** 767.48 (5) (c) of the statutes is created to read:

4 767.48 (5) (c) If the state, including its delegate under s. 767.45 (6) or (6m), is  
5 not a petitioner in the action, the court may order any or all of the parties to pay for  
6 the fees and costs of the genetic tests in advance if the court finds that the parties  
7 have sufficient resources to pay the costs of the tests.

8 **SECTION 31.** 767.51 (3g) of the statutes is created to read:

9 767.51 (3g) The court may order either party or both parties to pay for the  
10 support of any child of the parties who is 19 years of age or older and who satisfies  
11 all of the following:

12 (a) Is a child with exceptional educational needs, as defined in s. 115.76 (3).

13 (b) Is participating in a special education program under subch. V of ch. 115.

14 **SECTION 32.** 767.51 (3p) of the statutes is created to read:

15 767.51 (3p) (a) When ordering child support for a child under sub. (3), the court  
16 shall consider and may specifically assign responsibility to one or both parents for  
17 and direct the manner of payment of the child's day care expenses that are necessary  
18 to permit either parent to work. A parent may be required to initiate or continue  
19 payment of day care expenses for a child under this subsection.

20 (b) In directing the manner of payment of a child's day care expenses, the court  
21 shall order that payment be made to one of the following:

22 1. The other parent.

23 2. The day care provider.

24 3. The clerk of court for disbursement to the person for whom the payment has  
25 been awarded.

**ASSEMBLY BILL 192**

1 (c) If a parent who is ordered to pay child care expenses under this subsection  
2 fails to make a required payment within 10 days after its due date, the court may  
3 order that payment be withheld from the person's income and assigned for the  
4 payment of day care expenses. If the court orders income withholding and  
5 assignment for the payment of day care expenses, the court shall direct that payment  
6 under the assignment be made to the clerk of court for disbursement to the other  
7 parent as provided in s. 767.29 and shall send notice of assignment and of the  
8 opportunity to request a hearing in the manner provided under s. 767.265 (2h). The  
9 clerk of court shall keep a record of all moneys received and disbursed by the clerk  
10 for day care expenses that are directed to be paid to the clerk.

11 **SECTION 33.** 767.51 (5) (intro.) of the statutes is amended to read:

12 767.51 (5) (intro.) ~~Upon request by a party, the~~ The court may shall modify the  
13 amount of child support ~~payments~~ determined under sub. (4m) if, after considering  
14 all of the following factors that the court determines are relevant, the court finds by  
15 the greater weight of the credible evidence that ~~use of the percentage standard~~ the  
16 amount of child support determined under sub. (4m) is unfair to the child or to ~~the~~  
17 ~~requesting party~~ any of the parties:

18 **SECTION 34.** 767.51 (5) (cm) of the statutes is created to read:

19 767.51 (5) (cm) The tax consequences to each party.

20 **SECTION 35.** 767.51 (5) (f) of the statutes is repealed.

21 **SECTION 36.** 767.51 (5) (i) of the statutes is amended to read:

22 767.51 (5) (i) The cost of day care if the custodian works outside the home or  
23 the value of custodial services contributed by the custodial performed by the  
24 custodian if it is appropriate for the custodian to remain in the home as a full-time  
25 parent.

**ASSEMBLY BILL 192****SECTION 37**

1           **SECTION 37.** 767.51 (5d) of the statutes is amended to read:

2           767.51 **(5d)** If the court finds under sub. (5) that ~~use of the percentage standard~~  
3 the amount of child support determined under sub. (4m) is unfair to the child or the  
4 requesting any party, the court shall state in writing or on the record the amount of  
5 support that would be required by using the percentage standard, the amount by  
6 which the court's order deviates from that amount, its reasons for finding that use  
7 ~~of the percentage standard~~ the amount of child support determined under sub. (4m)  
8 is unfair to the child or the any party, its reasons for the amount of the modification  
9 and the basis for the modification.

10           **SECTION 38.** 767.51 (5j) of the statutes is created to read:

11           767.51 **(5j)** The court shall reduce the amount of a parent's child support  
12 payments determined under sub. (4m) or (5), if the court finds that the child receives  
13 benefits under 42 USC 402 (d) based on the parent's entitlement to federal old-age  
14 or disability insurance benefits under 42 USC 401 to 433. The parent's child support  
15 payments shall be reduced by the amount of the benefit under 42 USC 402 (d)  
16 received by the child.

17           **SECTION 39. Nonstatutory provisions.**

18           (1) The department of industry, labor and job development shall study the  
19 staffing levels of all county child and spousal support agencies in the state and  
20 determine an appropriate staffing level. The department shall submit a report on  
21 county child and spousal support agency staffing no later than January 1, 1998, to  
22 the appropriate standing committees in the manner provided under section 13.172  
23 (3) of the statutes.

24

(END)