

1999 ASSEMBLY BILL 924

March 22, 2000 – Introduced by Representatives RICHARDS, BOCK, MUSSER, BERCEAU, MILLER, COLON and RILEY, cosponsored by Senators HUELSMAN, GEORGE and ROSENZWEIG. Referred to Committee on Children and Families.

1 **AN ACT to renumber and amend** 49.22 (2m) (a); **to amend** 49.124 (1g) (a),
2 49.145 (2) (f) 1. a. and b. and 49.45 (19) (a) 1.; and **to create** 49.158 and 49.22
3 (2m) (a) 1. of the statutes; **relating to:** providing information on domestic
4 abuse programs, services and options that are available under the Wisconsin
5 works program to Wisconsin works applicants and participants; training
6 employees of Wisconsin works agencies on issues of domestic abuse; developing
7 a standardized assessment mechanism for the identification of Wisconsin
8 works program applicants and participants who are victims of domestic abuse;
9 and specifying that certain individuals are exempt from cooperating with
10 efforts to establish a child's paternity or obtain certain support payments or
11 property if such cooperation would pose a risk of emotional or physical harm to
12 the participant or the participant's child.

Analysis by the Legislative Reference Bureau

Under current law, the department of workforce development (DWD) contracts with public and private agencies to administer the Wisconsin works (W-2) program.

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This program provides cash benefits and services, such as monthly cash grants, job search assistance and counseling, to eligible individuals.

Federal law requires any individual who receives assistance under the food stamp program, the medical assistance program or any program funded at least in part with block grant moneys received under the federal temporary assistance for needy families (TANF) program to cooperate with efforts to establish the paternity of the individual's child or to collect child support and other support or property that the individual or the individual's child is entitled to receive. Federal law does not require this cooperation if the individual has good cause for not cooperating, as determined by a state agency. Thus, to satisfy the federal law requirement, current state law requires an individual, as a condition of eligibility for the food stamp program, medical assistance program and W-2 program (which is funded in part with TANF moneys), to comply with efforts of DWD to establish the paternity of the individual's child or to collect support payments or property that the individual or the individual's child is entitled to receive. The individual is not required to cooperate, however, if DWD determines that the individual has good cause for not cooperating.

This bill specifies that an individual has good cause for not cooperating with DWD's paternity establishment or support collection efforts if DWD determines that the cooperation would put the individual or the individual's child at risk of emotional or physical harm.

This bill also requires DWD to implement a program to provide training in issues of domestic abuse to individuals who are employed by a W-2 agency and who provide financial or employment counseling or supportive services to W-2 applicants and participants. The training program must include training on how to identify individuals who are victims of domestic abuse and how to maintain the safety and confidentiality of these individuals. DWD must develop a standardized assessment mechanism for the identification of individuals who are victims of domestic abuse.

This bill also requires a W-2 agency to advise a W-2 program applicant or participant of the possible benefits of disclosing to the W-2 agency that the individual is a victim of domestic abuse and to advise the applicant or participant of the support services and program options that are available to victims of domestic abuse. Finally, this bill requires the W-2 agency to advise a W-2 applicant or participant of the option of not cooperating with DWD's effort to establish the paternity of a child or to collect child support or other support or property if DWD determines that the individual's cooperation would put the individual or the individual's child at risk of emotional or physical harm.

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:

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1 **SECTION 1.** 49.124 (1g) (a) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read:

3 49.124 **(1g)** (a) The individual is a custodial parent of a child who is under the
4 age of 18 and who has an absent parent, or the individual lives with and exercises
5 parental control over a child who is under the age of 18 and who has an absent parent,
6 and the individual does not fully cooperate in good faith with efforts directed at
7 establishing the paternity of the child, if necessary, establishing or enforcing a
8 support order, if appropriate, or obtaining other payments or property, if any, to
9 which that individual or the child may have rights. This paragraph does not apply
10 if the department determines in accordance with federal law and regulations that
11 the individual has good cause for refusing to cooperate, as determined by the
12 department in accordance with federal law and regulations. In this paragraph, “good
13 cause” includes a risk of emotional or physical harm to the individual or the
14 individual’s child as a result of the individual’s cooperation.

15 **SECTION 2.** 49.145 (2) (f) 1. a. and b. of the statutes are amended to read:

16 49.145 **(2)** (f) 1. a. Every parent in the individual’s Wisconsin works group fully
17 cooperates in good faith with efforts directed at establishing the paternity of any
18 minor child of that parent regardless of whether the parent is the custodial or
19 noncustodial parent of that child. Such cooperation shall be in accordance with
20 federal law and regulations and rules promulgated by the department applicable to
21 paternity establishment and may not be required if the department determines that
22 the parent has good cause for refusing to cooperate, as determined by the department
23 in accordance with federal law and regulations. In this subd. 1. a., “good cause”
24 includes a risk of emotional or physical harm to the parent or child as a result of the
25 parent’s cooperation.

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1 b. Every parent in the individual's Wisconsin works group fully cooperates in
2 good faith with efforts directed at obtaining support payments or any other payments
3 or property to which that parent and any minor child of that parent may have rights
4 or for which that parent may be responsible, regardless of whether the parent is the
5 custodial or noncustodial parent of the minor child. Such cooperation shall be in
6 accordance with federal law and regulations and rules promulgated by the
7 department applicable to collection of support payments and may not be required if
8 the department determines that the parent has good cause for refusing to cooperate,
9 ~~as determined by the department in accordance with federal law and regulations.~~
10 In this subd. 1. b., "good cause" includes a risk of emotional or physical harm to the
11 parent or child as a result of the parent's cooperation.

12 **SECTION 3.** 49.158 of the statutes is created to read:

13 **49.158 Wisconsin works; domestic abuse training and services. (1)** The
14 department shall conduct a program to provide training in issues of domestic abuse
15 to individuals who are employed by a Wisconsin works agency and who provide
16 financial or employment counseling or supportive services to applicants for the
17 Wisconsin works program or to participants. The program shall include training on
18 how to identify victims of domestic abuse and how to maintain the safety and
19 confidentiality of victims of domestic abuse.

20 **(2)** The department shall develop a standardized assessment mechanism for
21 Wisconsin works agencies to use in identifying applicants for the Wisconsin works
22 program or participants who are victims of domestic abuse.

23 **(3)** A Wisconsin works agency shall advise any individual who is an applicant
24 for the Wisconsin works program or who is a participant of all of the following:

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1 (a) The possible benefits of disclosing to the Wisconsin works agency that the
2 individual is a victim of domestic abuse.

3 (b) Any counseling and other support services available to victims of domestic
4 abuse.

5 (c) The option of not cooperating with the efforts of the department to establish
6 the paternity of the individual's child or to collect child or other support or property
7 under s. 49.145 (2) (f) if the department determines that the individual's cooperation
8 would put the individual or the individual's child at risk of emotional or physical
9 harm.

10 **SECTION 4.** 49.22 (2m) (a) of the statutes is renumbered 49.22 (2m) (a) 2. and
11 amended to read:

12 49.22 **(2m)** (a) 2. The department may request from any person in this state
13 information it determines appropriate and necessary for the administration of this
14 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468 and 49.47 and programs carrying
15 out the purposes of 7 USC 2011 to 2029. Unless access to the information is
16 prohibited or restricted by law, or unless the department determines in accordance
17 with federal law and regulations that the person has good cause, as determined by
18 the department in accordance with federal law and regulations, for refusing to
19 cooperate, the person shall make a good faith effort to provide this information
20 within 7 days after receiving a request under this ~~paragraph~~ subdivision. Except as
21 provided in subs. (2p) and (2r) and subject to sub. (12), the department or the county
22 child support agency under s. 59.53 (5) may disclose information obtained under this
23 ~~paragraph~~ subdivision only in the administration of this section, ss. 49.141 to
24 49.161, 49.19, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011

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1 to 2029. Employees of the department or a county child support agency under s. 59.53
2 (5) are subject to s. 49.83.

3 **SECTION 5.** 49.22 (2m) (a) 1. of the statutes is created to read:

4 49.22 **(2m)** (a) 1. In this paragraph, “good cause” includes a risk of emotional
5 or physical harm to the person or the person’s child as a result of the person’s
6 cooperation.

7 **SECTION 6.** 49.45 (19) (a) 1. of the statutes is amended to read:

8 49.45 **(19)** (a) 1. Fully cooperate in good faith with efforts directed at
9 establishing the paternity of a nonmarital child and obtaining support payments or
10 any other payments or property to which the person and the dependent child or
11 children may have rights. This cooperation shall be in accordance with federal law
12 and regulations applying to paternity establishment and collection of support
13 payments and may not be required if the department determines in accordance with
14 federal law and regulations that the person has good cause for refusing to cooperate,
15 as determined by the department in accordance with federal law and regulations.
16 In this subdivision, “good cause” includes a risk of emotional or physical harm to the
17 person or the person’s child as a result of the person’s cooperation.

18 (END)