

11/6/98 10:10:20 AM

Page 1

1999 DRAFTING REQUEST

Bill

Received: **10/7/98**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget 6-8219**

By/Representing: **Sajna**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - child support**
Dom. Rel. - miscellaneous

Extra Copies:

Topic:

DOA:.....Sajna - Make the state a real party in interest in child support cases if parent receiving food stamps

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 10/8/98	gilfokm 10/8/98		_____			
/P1			jfrantze 10/9/98	_____	lrb_docadmin 10/9/98		
/1	kahlepj 11/5/98	gilfokm 11/5/98	ismith 11/6/98	_____	lrb_docadmin 11/6/98		

FE Sent For:

<END>

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/P1		1-11-5 King	jfrantze 10/9/98	_____	lrb_docadmin 10/9/98		
			JS 11/6	IS/LP 11/6			

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1?	kahlepj	1-10-8 Kmg	8/10/9	8/20/9			

DO submit P's

FE Sent For:

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TINA

DEPARTMENT OF WORKFORCE DEVELOPMENT
FY 1999-2001 BIENNIAL BUDGET
STATUTORY LANGUAGE PROPOSAL FORMAT

Division: DES Bureau of Child Support
Appropriation:
Issue: Food Stamp Program
Contact: Susan Pfeiffer 267-0926
Connie Chesnik 266-9427

PROBLEM

Judges are challenging the state's authority to appear in child support actions/food stamp program cases because no change was made in statutes to make the state a real party in interest in those cases.

Additionally, the current cooperation language at s.49.124(1g)(a) provides that a food stamp recipient who is a custodial parent must only cooperate in obtaining support payments "if any". This does not require the recipient to cooperate in the establishment of a support order.

PROPOSED CHANGE

Amend s.767.075, Stats., to make the state a real party in interest in child support/food stamp program cases.

Amend s. 49.124(1g)(a) to read as follows:

(a) The individual is a custodial parent of a child who is under the age of 18 and who has an absent parent, or the individual lives with and exercises parental control over a child who is under the age of 18 and who has an absent parent, and the individual does not fully cooperate in efforts directed at establishing the paternity of the child, if necessary, and ~~obtaining support payments, if any,~~ establishing and enforcing support orders, or obtaining other payments or property, if any, to which that individual or the child may have rights. This paragraph does not apply if the individual has good case for refusing to cooperate, as determined by the department in accordance with federal law and regulations.

EXPLANATORY NOTE

The courts could no longer question the state's interests in these matters. Food Stamp recipients would be required to cooperate in the establishment as well as the enforcement of support orders.

FISCAL IMPACT

None.

DESIRED EFFECTIVE DATE

Upon enactment.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-05357
PJK.....

PI

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DOA:.....Sajna – Make the state a real party in interest in child support cases if parent receiving food stamps

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

SOON
(10-8)
D-note

do not
gen cat
the

1 AN ACT ...; relating to: food stamp program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

✓
Insert A →

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

2 SECTION 1. 49.124 (1g) (a) of the statutes 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, and obtaining support payments

1 establishing or enforcing a support order, if any appropriate, or obtaining other
 2 payments or property, if any, to which that individual or the child may have rights.
 3 This paragraph does not apply if the individual has good cause for refusing to
 4 cooperate, as determined by the department in accordance with federal law and
 5 regulations.

History: 1987 a. 27; 1995 a. 27 ss. 2788 to 2793, 3140, 3141; 1995 a. 289; 1997 a. 27, 38, 191, 236, 283.

6 **SECTION 2.** 767.075 (1) (c) of the statutes is amended to read:

7 767.075 (1) (c) Whenever aid under s. 46.261, 48.57 (3m) or (3n), 49.19 or 49.45
 8 is provided on behalf of a dependent child or benefits are provided to the child's
 9 custodial parent under s. 49.124 or ss. 49.141 to 49.161. under

History: 1977 c. 418; 1979 c. 32 s. 50; 1979 c. 352 s. 39; Stats. 1979 s. 767.075; 1983 a. 27 s. 2202 (57); 1987 a. 413; 1989 a. 31; 1993 a. 326, 481; 1995 a. 27 s. 9126 (19); 1995 a. 201, 275, 289, 404; 1997 a. 35, 105.

10

(END)

D-note

Does it make sense to specify ^{an} initial
 applicability for s. 767.075 (1)(c) of
 actions ^(E) commenced ~~on~~ on the effective
 date?

PJK

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0535/ins
PJK.....

INSERT A ✓

Certain

Under current law, in a number of situations the state may join in an action affecting the family (such as a divorce action or an action to enforce a child support order) as a real party in interest for purposes of establishing paternity or securing future support or reimbursement of aid paid. The most common situation is when a child or custodial parent of a child involved in the action is the recipient of services or benefits provided by the state. The bill adds to those situations, if a custodial parent involved in the action is receiving food stamp benefits.

Also under current law, an individual who is the custodial parent of, or who exercises parental control over, a child who has an absent parent is ineligible to receive food stamps if the individual does not fully cooperate in good faith with efforts to obtain support payments, if any, to which the child may have rights. The bill changes this criterion for ineligibility. Under the bill, such an individual is ineligible for food stamps if the individual fails to cooperate in establishing or enforcing a support order, if appropriate.

(end of ins A)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0535/P1dn
PJK:kmg:jf

October 9, 1998

Does it make sense to specify an initial applicability for s. 767.075 (1) (c) of actions *commenced* on the effective date?

Pamela J. Kahler
Senior Legislative Attorney
266-2682



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0535/1
PJK:kmg:jf

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DOA:.....Sajna - Make the state a real party in interest in child support cases
if parent receiving food stamps

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

*soon
(11-5)
D-vote*

*do not
get cost*

1. AN ACT relating to: the food stamp program.

**Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES**

OTHER HEALTH AND HUMAN SERVICES

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15 custodial parent under s. 49.124 or under ss. 49.141 to 49.161.

16

(END)

Insert 2-15

D-note

This redraft adds an initial applicability provision.

PJK

1999

Nonstat File Sequence: **EEE**

LRB - 053511

DJK : : :

INITIAL APPLICABILITY

ins 2-15

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the budget action phrase, execute: create → action: → *NS: → 93XX
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, for the budget, fill in the 9300 department code; and fill in "___" or "()" only if a "frozen" number is needed.

SECTION # ~~93~~ **93** 57 . Initial applicability;
 workforce development.
 (#1) ³ Receipt of food stamps in actions
 (CS) affecting the family. The treatment of sections ..
 767.075 (1)(c) ✓

..... of the statutes
 first applies to actions affecting the family that are
 pending on the effective date of this
 subsection.

- In the component bar:
 For the action phrase, execute: create → action: → *NS: → inappl
 For the text, execute: create → text: → *NS: → inappl
- Nonstatutory subunits are numbered automatically if "(#1)", "(#2)", etc., is filled in. Below, fill in "___" or "()" only if a "frozen" number is needed.

SECTION # ____ . Initial applicability;
 (#1) () This act first ap-
 plies to

(end of ins. 2-15)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0535/1dn
PJK:kmg:ijs

November 6, 1998

This redraft adds an initial applicability provision.

Pamela J. Kahler
Senior Legislative Attorney
266-2682



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0535/1

PJK:kmg:ijs

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