# 1999 DRAFTING REQUEST

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Received: 10/7/98  Wanted: Soon  For: Administration-Rudget 6-8219  This file may be shown to any legislator: NO			Received By: kahlepj  Identical to LRB:  By/Representing: Sajna  Drafter: kahlepj										
							May Contact:			Alt. Drafters:			
							Subject: Dom. Rel child support Dom. Rel miscellaneous			Extra Copies:			
							Topic:	Sajna - Mak	se the state a real	l party in inte	erest in child s	support cases if par	ent receiving
Instruction See Atta													
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Vers.	<u>Drafted</u>	Reviewed	<u>Typed</u>	Proofed	Submitted	Jacketed	Required						
/?	kahlepj 10/8/98	gilfokm 10/8/98											
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### 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** Extra Copies:

Dom. Rel. - miscellaneous

Topic:

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

**Instructions:** 

See Attached

FE Sent For:

**Drafting History:** 

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

"/6 I/6

<END>

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kahlepj

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

Division:

**DES Bureau of Child Support** 

Appropriation:

Issue: Contact: Food Stamp Program
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

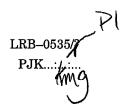
None.

### DESIRED EFFECTIVE DATE

Upon enactment.

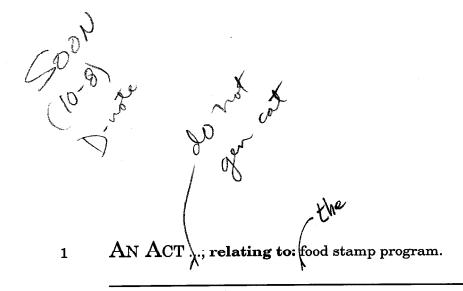


# State of Misconsin



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



# Analysis by the Legislative Reference Bureau HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Insert A

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

SECTION 1. 49.124 (1g) (a) of the statutes is amended to read:

49.124 (1g) (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 good faith with efforts directed at establishing the paternity of the child, if necessary, and obtaining support payments

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establishing or enforcing a support order, if any appropriate, or obtaining other 1 payments or property, if any, to which that individual or the child may have rights. 2 This paragraph does not apply if the individual has good cause for refusing to 3 cooperate, as determined by the department in accordance with federal law and 4 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. **SECTION 2.** 767.075 (1) (c) of the statutes is amended to read:

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

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.

(END)

Does it make sense to specify an initial applicability for A, 767.075 (1)(c) of applicability fo

### 1999–2000 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0535/fins 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.

( and 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 Misconsin 1999 - 2000 LEGISLATURE

LRB-0535/JAP
PJK:kmg:jf

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

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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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16 (END)

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D-vote
This redroft adds an initial applicability provision.

PJK

1999

# EEE Nonstat File Sequence: INITIAL APPLICABILITYO 1. In the component bar: For the action phrase, execute: ..... create $\rightarrow$ action: $\rightarrow$ \*NS: $\rightarrow$ inappl For the budget action phrase, execute: . . . . . . . create $\rightarrow$ action: $\rightarrow$ \*NS: $\rightarrow$ 93XX For the text, execute: ..... create $\rightarrow$ text: $\rightarrow$ \*NS: $\rightarrow$ 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 # MAN Initial applicability; ...... The treatment of sections. 1. In the component bar: For the action phrase, execute: ..... create $\rightarrow$ action: $\rightarrow$ \*NS: $\rightarrow$ inappl For the text, execute: $\cdots$ create $\rightarrow$ text: $\rightarrow$ \*NS: $\rightarrow$ inapplA 2. 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; .... This act first ap-(#1)( plies to ...... (end of ris. 2-15) [rev: 6/2/98 1999inappl(fm)]

## 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 Misconsin 1999 - 2000 LEGISLATURE

LRB-0535/1 PJK:kmg:ijs

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

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

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

# SECTION 9357. Initial applicability; workforce development.

(1) RECEIPT OF FOOD STAMPS IN ACTIONS AFFECTING THE FAMILY. The treatment of section 767.075 (1) (c) of the statutes first applies to actions affecting the family that are pending on the effective date of this subsection.

(END)