

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **04/23/99**

Received By: **kahlepj**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 7-7417**

By/Representing: **Doty**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

LFB:.....Doty -

Topic:

Allow delinquent receipt and disbursement fees owed to clerks of court to be collected by income assignment

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 04/27/99	ygeller 04/27/99		_____			
/1			martykr 04/28/99	_____	lrb_docadmin 04/28/99		

FE Sent For:

<END>

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1/?	kahlepj	1 4/27 jlg	4/27 km	4/27 ch	4/28 km		

FE Sent For:

<END>

Kahler, Pam

From: Doty, Kelsie
Sent: Thursday, April 22, 1999 7:14 PM
To: Kahler, Pam
Subject: Child support: drafting requests

Pam -

Finance took up child support yesterday (the issue papers are on the internet at www.legis.state.wi.us -- select "LFB" and then "1999-01 Budget Papers"). Here is the list of drafts we will need. Please give me a call.

1. The committee adopted a motion to extend the provisions related to CR&D income assignment and withholding to the counties (Motion #174 -- I'll fax a copy of it over).
2. For issue paper #1072 (state child support payments to counties), the committee adopted alternatives: 2, 3a & 4. This will consolidate ss. 49.23 and 49.23 into one program (LRB 0497/4).
3. For issue paper #1073, the committee deleted the Governor's provision to make the state a real party in interest in child support cases if the parent receives food stamps (LRB 0535/1).
4. For issue paper #1074 (making a grant or loan to obligors), the committee adopted alternative 3. The provision will stay in (LRB 0589/2). However, the effective date will need to be modified (see the alternative).

Kelsie Doty
Fiscal Analyst
Legislative Fiscal Bureau
1 East Main St., Suite 301
Madison, WI 53703
Phone: (608) 266-3847
Fax: (608) 267-6873
Kelsie.Doty@legis.state.wi.us

Adopted

Senator Burke

WORKFORCE DEVELOPMENT - CHILD SUPPORT

County Centralized Receipt and Disbursement Fee: Income Assignment and Withholding

Motion:

Move to extend the bill provisions related to income withholding and assignment, the assignment of arrearages and the initiation of income assignments by county child support agencies to centralized receipt and disbursement (CR&D) fee arrearages that are owed to the counties.

Post-It® Fax Note	7671	Date	4-21	# of pages	1
To	<i>Pam Kallen</i>	From	<i>Kelsie Doty</i>		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

Note:

The bill would adopt the following modifications to enhance the collection of the annual \$25 CR&D fee by DWD, effective January 1, 2000: (a) income withholding and assignment; (b) the assignment of arrearages; and (c) the initiation of income assignments by county child support agencies. Counties that removed unpaid CR&D fees from the state's computer system on December 31, 1998, may still pursue the collection of those fees under the bill.

This motion would extend the same enhanced enforcement provisions to counties for purposes of collecting CR&D fee arrearages.

*H. Burke
K. Dack*

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MO#									
Burke	Y								
Dacker	Y								
Jauch	Y								
Moore	Y								
Shibilski	Y								
Plache	Y								
Cowles	Y								
Panzer	Y								
Gard	Y								
Porter	Y								
Kaufert	Y								
Albers	Y								
Duff	Y								
Ward	Y								
Huber	Y								
Riley	Y								



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0195/1
PJK.....

JG

LFB:.....Doty - Allow delinquent receipt and disbursement fees owed to clerks of court to be collected by income assignment

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

SOON
(4-27)
D-note

1 At the locations indicated, amend the bill as follows:

2 1. Page 441, line 18: after "(dm)" insert "1m.". ✓

3 2. Page 1301, line 7: delete lines 7 to 23 and substitute:

4 "767.265 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.29 (1) (dm)
5 1m. ✓ constitutes an assignment of all commissions, earnings, salaries, wages, pension
6 benefits, benefits under ch. 102 or 108, ✓ lottery prizes that are payable in ✓ instalments
7 and other money due or to be due in the future to the department ✓ or its designee.

8 2. An obligation to pay unpaid fees under s. 767.29 (1) (dm) 2m. ✓ constitutes an
9 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits
10 under ch. 102 or 108, lottery prizes that are payable in instalments and other money

1 due or to be due in the future to the clerk of court to whom the fees are owed, or to
2 his or her successor.

3 (b) The county child support agency under s. 59.53 (5) may cause an assignment
4 under par. (a) to go into effect by providing notice of the assignment in the manner
5 provided under sub. (2r) and sending a notice by regular mail to the last-known
6 address of the payer. The notice sent to the payer shall inform the payer that an
7 assignment is in effect and that the payer may, within a 10-day period, by motion
8 request a hearing on the issue of whether the assignment should remain in effect.
9 The court or family court commissioner shall hold a hearing requested under this
10 paragraph within 10 working days after the date of the request. If at the hearing the
11 payer establishes that the assignment is not proper because of a mistake of fact, the
12 court or family court commissioner may direct that the assignment be withdrawn.
13 The payer or the county child support agency may, within 15 working days after the
14 date of a decision by a family court commissioner under this paragraph, seek review
15 of the decision by the court with jurisdiction over the action.”.

16 **3.** Page 1303, line 14: after “(dm)” insert “1m.”.

17 **4.** Page 1303, line 17: on lines 17, 18, 21 and 24, delete “paragraph” and
18 substitute “subdivision”.

19 **5.** Page 1304, line 3: after that line insert:

20 “2m. A clerk of court may collect any unpaid fees under s. 814.61 (12) (b), 1997
21 stats., that are owed to the clerk of court, or to his or her predecessor, and that were
22 not shown on the department’s automated payment and collection system on
23 December 31, 1998, through income withholding under s. 767.265 (2m). If the clerk
24 of court determines that income withholding is inapplicable, ineffective or

1 insufficient for the collection of any unpaid fees under this[✓] subdivision, the clerk of
2 court may move the court for a remedial sanction under ch. 785."[✓]

3 (END)

D-note

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

LRBb01957dn
PJK.....

JLg

Kelsie:

This is the amendment that allows clerks of court to collect unpaid fees by income withholding and assignment. Let me know if you think anything needs to be added or if you have any questions about why I drafted the amendment in this way.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

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

LRBb0195/1dn
PJK:jlg:km

April 27, 1999

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0195/1
PJK;jlg:km

LFB:.....Doty - Allow delinquent receipt and disbursement fees owed to clerks of court to be collected by income assignment

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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24 of court determines that income withholding is inapplicable, ineffective or

1 insufficient for the collection of any unpaid fees under this subdivision, the clerk of
2 court may move the court for a remedial sanction under ch. 785.”

3 (END)