

Assembly

Record of Committee Proceedings

Committee on Children and Families

Clearinghouse Rule 98-130

Relating to child support administrative enforcement.

Submitted by the Department of Workforce Development.

March 30, 1999 Referred to committee on Children and Families.

April 29, 1999 **PUBLIC HEARING HELD**

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Colon and
Sinicki.

Absent: (1) Representative Coggs.

Appearances for

- Connie Chesnik, Department of Workforce Development.
- Mark Vannucci, Director, Racine County Child Support.
- Susan Pfeiffer, Bureau of Child Support.

Appearances against

- None.

Appearances for Information Only

- Lucy Cooper, Wisconsin State Bar, Wisconsin Association of Family Court Commissioner.
- Kurt Bauer, Wisconsin Bankers Association.

Registrations for

- Troy Sterr, Department of Workforce Development.
- Merrily S. Burch, Dane County Child Support.

Registrations against

- None.

May 11, 1999

EXECUTIVE SESSION

Present: (9) Representatives Ladwig, Jeskewitz, Kreibich,
Freese, Grothman, Kestell, Miller, Colon and
Sinicki.

Absent: (1) Representative Coggs.

Moved by Representative Freese, seconded by Representative Kestell, that modification 1 to **Clearinghouse Rule 98-130** be requested.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.
Noes: (0) None.
Absent: (1) Representative Coggs.

MODIFICATION 1 REQUESTED, Ayes 9, Noes 0, Absent 1

Moved by Representative Miller, seconded by Representative Grothman, that modification 2 to **Clearinghouse Rule 98-130** be requested.

Ayes: (9) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Miller, Colon and Sinicki.
Noes: (0) None.
Absent: (1) Representative Coggs.

MODIFICATION 2 REQUESTED, Ayes 9, Noes 0, Absent 1

Moved by Representative Freese, seconded by Representative Kestell, that modification 3 to **Clearinghouse Rule 98-130** be requested.

Ayes: (8) Representatives Ladwig, Jeskewitz, Kreibich, Freese, Grothman, Kestell, Colon and Sinicki.
Noes: (1) Representative Miller.
Absent: (1) Representative Coggs.

MODIFICATION 3 REQUESTED, Ayes 8, Noes 1, Absent 1

May 24, 1999

Modifications received from agency.

June 8, 1999

No action taken.

Janine Stippich
Committee Clerk

Assembly

Committee Report

The committee on **Children and Families**, reports and recommends:

Clearinghouse Rule 98-130

Relating to child support administrative enforcement.

Submitted by the Department of Workforce Development.

March 30, 1999	Referred to committee on Children and Families
May 11, 1999	Modifications requested.
May 24, 1999	Modifications received from agency.
June 8, 1999	NO ACTION TAKEN.

Representative Bonnie Ladwig
Chair



Assistant Majority Leader

May 11, 1999

Ms. Linda Stewart
Secretary
Department of Workforce Development
201 East Washington Ave.
Room 400X
Madison, WI 53703

Dear Secretary Stewart:

I am writing to inform you that the Assembly Committee on Children and Families has voted to request the Department of Workforce Development to consider making specific modifications to Clearinghouse Rule 98-130, relating to child support administrative enforcement. This rule was recently submitted to the Legislature and was referred to the Assembly Committee on Children and Families and the Senate Committee on Judiciary and Consumer Affairs.

The Assembly Committee held a public hearing on this rule on April 29, 1999. Today, the Committee took executive action on the rule and voted on the following motions:

1. **Motion #1:** On a vote of 9 Ayes, 0 Noes, the Committee moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

Delete s. DWD 43.07 (2) and replace it with the following:

(2) Upon receiving a request for a financial record review, the child support agency shall provide the payer with the relevant financial records and any other financial records requested in writing by the payer. Financial records include the account history report and any county child support account records from the period prior to the implementation of the statewide automated child support enforcement system. The child support agency shall also provide the payer with information explaining how to interpret the records and a form the payer may use to identify any alleged errors in the record.

May 11, 1999

2. **Motion #2:** On a vote of 9 Ayes, 0 Noes, the Committee moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

In s. DWD 43.09 (1), amend the first sentence as follows:

If the child support agency is aware that the payer is subject to a protective order with respect to the payee or child in his or her case, ~~or~~ the child support agency has reason to believe that a payee or child in the payer's case may be harmed physically or emotionally by the payer or the payee made a written request to be notified of all administrative enforcement actions, the department or the child support agency shall provide written notice to the payee when an administrative action has been initiated against the payer.

3. **Motion #3:** On a vote of 8 Ayes, 1 No, the Committee moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

In s. DWD 43.12 (2), substitute "\$100" with "\$250."

Thank you for your consideration of these modifications. If you have any questions regarding this issue, please do not hesitate to contact me at my office.

Sincerely,



Bonnie Ladwig
State Representative
Chair, Assembly Children and Families Committee



Bonnie L. Ladwig

Assembly Children and Families Committee, Chairperson

TO: Assembly Children and Families Committee members

FROM: State Representative Bonnie Ladwig, Chair

DATE: May 7, 1999

RE: Clearinghouse Rule 98-130 (DWD 43)

Attached you will find:

- Three motions the committee will consider next Tuesday on Clearinghouse Rule 98-130 (DWD 43).
- A letter from the Department of Workforce Development agreeing to consider modifications to the administrative rule.

If you have any questions or concerns, please feel free to contact me.

Encl.

5/11/99

Assembly Committee on Children and Families

Clearinghouse Rule 98-130--Motion #1

The Assembly Committee on Children and Families moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

Delete s. DWD 43.07 (2) and replace it with the following:

(2) Upon receiving a request for a financial record review, the child support agency shall provide the payer with the relevant financial records and any other financial records requested by the payer. Financial records include the account history report and any county child support account records from the period prior to the implementation of the statewide automated child support enforcement system. The child support agency shall also provide the payer with information explaining how to interpret the records and a form the payer may use to identify any alleged errors in the record.

5/11/99

Assembly Committee on Children and Families

Clearinghouse Rule 98-130--Motion #2

The Assembly Committee on Children and Families moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

In s. DWD 43.09 (1), amend the first sentence as follows:

If the child support agency is aware that the payer is subject to a protective order with respect to the payee or child in his or her case, ~~or~~ the child support agency has reason to believe that a payee or child in a payer's case may be harmed physically or emotionally by the payer or the payee has requested notice of enforcement actions, the department or the child support agency shall provide written notice to the payee when an administrative enforcement action has been initiated against the payer.

5/11/99

Assembly Committee on Children and Families

Clearinghouse Rule 98-130--Motion #3

The Assembly Committee on Children and Families moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130 as follows:

In s. DWD 43.12 (2), substitute "\$100" with "\$250".

5/11/99

Assembly Committee on Children and Families

Clearinghouse Rule 98-130--Motion #4

The Assembly Committee on Children and Families moves that the Department of Workforce Development is requested to consider modifying Clearinghouse Rule 98-130.

Tommy G. Thompson
Governor

Linda Stewart, Ph.D.
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY
201 East Washington Avenue
P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-7552
Fax: (608) 266-1784
<http://www.dwd.state.wi.us/>

May 6, 1999

The Honorable Bonnie Ladwig, Chair
Assembly Committee on Children and Families
113 West, State Capitol
Madison, WI 53708

Dear Representative Ladwig:

I am writing regarding the Assembly Committee on Children and Families review period for CR98-130 (DWD43), relating to child support administrative enforcement.

The Department of Workforce Development (DWD) agrees to consider modifications to the administrative rule as requested by committee members.

Please contact Connie Chesnik, DWD Attorney, at 267-7295, or Kim Markham, DWD Legislative Liaison, at 267-3200, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Linda Stewart".

Linda Stewart, Ph.D.
Secretary



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: May 4, 1999

TO: REPRESENTATIVE BONNIE LADWIG, CHAIRPERSON, AND MEMBERS
OF THE ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: Response of Department of Workforce Development to Comments on
Clearinghouse Rule 98-130 Made by the Legislative Council Staff

This memorandum, prepared at your request, discusses the Department of Workforce Development's (DWD) responses to comments relating to statutory authority for Clearinghouse Rule 98-130, which were prepared by the Legislative Council staff and sent to DWD on September 25, 1998. These comments related to the proposed rule that was submitted to the Legislative Council Staff Rules Clearinghouse on September 1, 1998.

A. RENUMBERING OF CH. HSS 82

The first comment relating to statutory authority regards the proposal to renumber ch. HSS 82 to ch. DWD 42. Because ch. HSS 82 relates to certified adult family homes pursuant to ch. 50, Stats., and is within the purview of the Department of Health and Family Services, the clearinghouse comments question the authority of DWD to seek to renumber that chapter.

DWD's current rules proposal does not include that provision.

B. ALLEGATION OF ERROR FOR FINANCIAL RECORDS REVIEW

The second comment relating to statutory authority made by the clearinghouse is that according to s. DWD 43.07 (3), in the rule submitted to the clearinghouse, it appeared that a child support agency was required to provide a written determination of the correctness of a lien amount only if the payer submitted a statement of alleged error after making a written request for a financial records review. The clearinghouse comments note that under s. 49.854 (3) (ag), Stats., if an obligor timely requests a review, the child support agency must conduct the review and issue a determination, and there is no requirement for the payer to make a "statement of alleged error" as a condition of having a financial records review.

DWD has amended its rule proposal to provide that a payer may request a meeting with the child support agency to review financial records and to discuss any alleged errors. The child support agency is then required to issue a determination as to whether the lien against the payer is in the correct amount after reviewing the financial records and any alleged error.

C. SEIZURE OF JOINT PROPERTY

The third comment relating to statutory authority concerns s. DWD 43.08 (1) which requires DWD and child support agencies when seizing property subject to a child support lien to presume that each owner of jointly owned property has an equal pro rata share of the property. The clearinghouse comments noted that under current law, joint owners of property generally have an equal interest in the whole property for the duration of the tenancy, irrespective of unequal contributions at its creation. [See s. 700.17 (2), Stats.] The clearinghouse comments assert that one could argue that the Legislature was aware of current law when it enacted 1997 Wisconsin Act 191 which allows for the seizure of property to satisfy a child support lien and upon which the proposed rules are based. In that act, the Legislature provided that joint owners of property may request a hearing to prove their contributions to the jointly held property when DWD or a child support agency takes action to seize the property to satisfy a child support debt. Based on this, the clearinghouse comments stated that perhaps the Legislature intended that DWD and child support agencies should be able to seize the entire property of a child support obligor who is a joint owner of property, unless other joint owners take the initiative to protect their interests in the property. The intent of such a provision would be to prevent a child support obligor from diluting his or her assets by simply titling all of his or her property jointly with a number of other individuals.

In a document entitled, *Response to Legislative Council Clearinghouse Report*, undated, DWD states that it has chosen not to seize the entire property even though DWD may have the authority to do so. This response further states that, to be fair to individuals other than the payer with a recorded ownership interest in the property, DWD will only freeze or seize the payer's ownership interest in the property based on the presumption that the payer's interest in the property is equal to a pro rata share based on the number of individuals with a recorded ownership interest. The response also states that DWD believes that this presumption will most likely reduce the request for court determinations of what portion of a property should be seized.

D. REIMBURSEMENT OF FINANCIAL INSTITUTIONS FOR RECORDS MATCHING

The fourth comment relating to statutory authority made by the clearinghouse states that under the rules submitted to the clearinghouse, s. DWD 43.16 (3) provided for reimbursement only for financial institutions participating in a fully automated financial record matching program. The comments note that s. 49.853 (2), Stats., requires DWD to promulgate rules that provide for reimbursement of financial institutions for participating in the financial records matching program, in an amount not to exceed their actual costs of participation. The comments note that the statute appears to require reimbursement of all financial institutions participating in the program.

In the current rules proposal, DWD has removed the distinction between financial institutions that have an automated system and those that do not. The current rule proposal provides

that all financial institutions doing business in this state will be reimbursed for participation in the data matching program.

The comments also question what the procedure is to ensure that the reimbursement of \$100 per quarter for financial institutions does not exceed the actual cost of participation, as required by statute. In its document entitled, *Response to Legislative Council Clearinghouse Report*, DWD states that, based on the flat fees of other states for reimbursing their financial institutions for conducting the data match, it is unlikely that \$100 per quarter will exceed a financial institution's actual cost of participating in the data match program. In the response, DWD notes that Washington is reimbursing institutions \$200 per quarter and New Hampshire is reimbursing institutions \$250 per quarter. The response also notes that in Georgia, it is estimated that the quarterly costs of the data match will be \$150 or less for over 84% of its financial institutions.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:rv:tl;ksm




Pedro Colón

STATE REPRESENTATIVE

April 29, 1999

TO: Representative Bonnie Ladwig
Chair, Assembly Children and Families Committee

FROM: Representative Pedro A. Colón 

RE: Amendments to DWD Clearinghouse Rule 98-130

The purpose of this memorandum is to request the following changes to DWD Clearinghouse Rule 98-130:

1. On page 14 line 4, strike the word "may" and insert "shall". After the word "county" insert the following: "child support account".
2. Section 43.09 on page 18 line 4 of the last paragraph, after the word "payer", insert the following: "or the payee has requested notice of enforcement actions". (Please note that my intent is to allow the payee to request information if they deem it appropriate. It does not require that the information be sent to the payee in all cases.)

I appreciate your attention in this matter. Should you have questions or concerns about these proposed changes please feel free to contact me.

Thank you.

8th Assembly District



STATE BAR
OF WISCONSIN

402 W. Wilson Street
P.O. Box 7158
Madison, WI 53707-7158

MEMORANDUM

To: Assembly Committee on Children and Families
From: Assistant Family Court Commissioner Lucy Cooper
Date: May 3, 1999
Re: Clearinghouse Rule 98-130, Child Support Enforcement Rules

I appreciate the opportunity I had last week to testify before you on behalf of the State Bar of Wisconsin's Family Law Section.

At the hearing, we requested on page 14, DWD 43.07 (2) require that the relevant financial records shall include the account history report and all child support account records from the county. The statutes are certainly clear in that they require BOTH a financial records and court order review.

The "records" we are seeking are simply the Child Support Account Records in a case—account ledgers maintained by the Clerks of Court before the conversion to the KIDS system in 1996, when responsibility for programming orders and recording and apportioning payments shifted to the State of Wisconsin.

The pre-1996 records will, in most cases, contain the court orders programmed in the case before September 1, 1996 as well as a record of the receipts and disbursements and adjustments made for various reasons.

Without this information, a payor has no way to check the accuracy of pre-KIDS records (which were NOT routinely sent to payors) or to check whether the case account "converted" accurately.

The purpose of sending the records before a face-to-face meeting is to allow a payor to study his or her records and prepare. A meeting without advance copies will be fruitless and frustrating—especially for non-accountants who cannot quickly learn to read a ledger in a rushed meeting with an enforcement worker.

It is the hope of the Family Law Section that you will support this change to the rule. Please feel free to call on us if you have any questions or comments. You can reach us through Linda Barth at 250-6140.



Tommy G. Thompson
Governor

Linda Stewart, Ph.D.
Secretary

J. Jean Rogers
Division Administrator



ECONOMIC SUPPORT
201 East Washington Avenue
P.O. Box 7935
Madison, WI 53707-7935
<http://www.dwd.state.wi.us/>

State of Wisconsin

Department of Workforce Development

April 8, 1999

Rep. Bonnie Ladwig
Room 113 West
State Capitol
P.O. Box 8952
Madison, WI 53708-8952

Dear Rep. Ladwig:

At a recent meeting with staff from the Department of Workforce Development on Administrative Rule DWD 43, you raised a concern regarding the additional workload created for County Child Support Agencies by the provisions in the rule. I am writing to address your concerns.

As you know, the Administrative Rule DWD 43 implements the provisions in 1997 Wisconsin Act 191. Enactment of those provisions was necessary to maintain compliance with federal program requirements. Failure to comply could subject Wisconsin to the loss of over \$380 million annually in child support and TANF funding.


The financial record review process provided for in DWD 43 initially required only that the child support agency provide the payer with a copy of relevant financial records and information explaining how to interpret them. However, at public hearings, the Department repeatedly heard testimony that this process was inconsistent with s.49.854 (3)(ag), Stats., which requires the child support agency to "hold" and "conduct" a financial record review. As a result of the public hearings, DWD modified the rule to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors.

Racine County's Child Support program is currently fully funded by a combination of state and federal funds. The federal government funds 66% of the agency's operations. In order to meet the 34% local share of the program's costs, each county receives operations and incentive funding from the state. As you know, the state is phasing in new performance standards in 1999. Because of Racine County's excellent performance, we project an increase in their funding under the new performance standards.

In addition, although no additional funding is being provided to counties to implement the provisions in Act 191, it is anticipated that the new enforcement options, in particular, the enforcement tools authorized under DWD 43, will increase child support revenues and similarly, increase counties performance-based funding.

If you have any questions or wish to discuss this issue further, please feel free to contact me.

Sincerely,


Susan Pfeiffer
Director
Bureau of Child Support
(608) 267-4337

4/19 left mes 4/20 left mes 4/21 left mes
4/22 left mes desc rule

WISCONSIN LEGISLATIVE COUNCIL STAFF



RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-130

AN ORDER to renumber chapters HSS 80 to 82; and to create chapter DWD 43, relating to child support administrative enforcement.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

09-01-98 RECEIVED BY LEGISLATIVE COUNCIL.

09-25-98 REPORT SENT TO AGENCY.

RNS:RJC:kjf;jt

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-130

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

a. SECTION 1 of the rule purports to renumber ch. HSS 82. However, that chapter relates to certified adult family homes pursuant to ch. 50, Stats., and is within the purview of the Department of Health and Family Services. Under what authority does the Department of Workforce Development seek to renumber ch. HSS 82?

b. According to s. DWD 43.07 (3), it appears that only if a payer submits a statement of alleged error, after making a written request for a financial records review, within a specified time frame, will the child support agency provide a written determination of the correctness of the lien amount. However, s. 49.854 (3) (ag), Stats., provides that if an obligor timely requests a review, the child support agency must conduct the review and issue a determination. The statute does not require the obligor to make a "statement of alleged error" as a condition of having a financial record review. Based on the clear statutory language, it appears that the rule's authority for requiring a statement of alleged error is questionable.

c. Generally, under current law, joint owners of property have an equal interest in the whole property for the duration of the tenancy, irrespective of unequal contributions at its creation. [See s. 700.17 (2), Stats.] Section DWD 43.08 (1) turns this maxim on its head when it requires the department and child support agencies, when seizing property subject to a child support lien, to presume that each owner of jointly owned property, has an equal pro rata share of the property. It can be argued that the Legislature was aware of the current state of the law (and s. 700.17 (2), Stats.) when it enacted 1997 Wisconsin Act 191, which allows for the seizure of property to satisfy a child support lien, and upon which the rule is based. In that Act, the

Legislature provided that joint owners of property could request a hearing to prove their contributions to the jointly held property when the department or child support agency took actions to seize the property to satisfy a child support debt. Given the existence of s. 700.17 (2), Stats., and the procedures in Act 191 to allow joint owners to protect their interests, one might argue that the Legislature intended that the department and child support agencies be able to seize the entire property of a child support obligor who is a joint owner of property, with the exception that other joint owners could take the initiative to protect their interests in the property. This would prevent a child support obligor from diluting his or her assets by simply titling all of his or her property jointly with a number of friends. Accordingly, s. DWD 43.08 (1) is arguably contrary to the Legislature's intent, which contemplated broader authority for the department and child support agencies, but balanced with a joint tenant's due process rights. In light of this comment, the provisions of sub. (1) should be reviewed.

d. Section 49.853 (2), Stats., requires the department to promulgate rules that provide for reimbursement of financial institutions for participating in the financial records matching program, in an amount not to exceed their actual costs of participation. Section DWD 43.16 (3) provides for reimbursement only for those institutions participating in a fully automated financial record matching program. The statute appears to require reimbursement of all financial institutions participating in the program. Under what authority are nonautomated financial institutions not reimbursed? Also, what is the procedure to ensure that the \$100 per quarter does not exceed the actual costs of participation, as required by the statute?

2. Form, Style and Placement in Administrative Code

a. SECTIONS 1 and 2 of the rule should be reversed so that the affected rules are in alphabetical order.

b. In s. DWD 43.03 (2) (intro.), the phrase "does any of the following" should be inserted before the colon.

c. In s. DWD 43.03 (3), pars. (a) through (f) should be physically set off from each other as paragraphs. In addition, each paragraph should end with a period rather than a semicolon and the word "and" before par. (f) should be deleted. The first letter of each paragraph should be capitalized.

d. In s. DWD 43.03 (13), (18) and (19), the bracketed references to former sections of the Administrative Code are unnecessary and should be deleted.

e. Generally, titles to subunits of rules are not part of the substantive content of a rule. Titles should not be relied on to impart any legal meaning to the substantive provisions of a rule. Accordingly, all of the paragraphs in s. DWD 43.04 (3) should be revised to make it clear in the substantive provisions what each paragraph is referring to. For example, par. (a) could be rewritten as follows: "(a) License suspension and denial. For a license suspension and denial under s. ____, Stats, to obtain and use" This comment applies also to sub. (5).

f. In s. DWD 43.06 (4), either both pars. (a) and (b) should have titles, or neither should have a title. [See s. 1.05 (1), Manual.]

g. In s. DWD 43.06 (6) (a) (intro.), the phrase "do all of the following," or a similar phrase, should be inserted before the colon. In the alternative, par. (a) (intro.) and subs. 1. and 2. could be combined into a single sentence.

h. In s. DWD 43.09, the word "said" should be replaced by the word "the." [See s. 1.01 (9) (c), Manual.]

i. In ss. DWD 43.07 and 43.11 (8), "shall" should replace "must."

j. In s. DWD 43.11 (5) (b) to (d), "may not" should replace "shall not."

k. The numbering of ch. DWD 43 skips from s. DWD 43.11 to s. DWD 43.16. Was this intentional?

4. Adequacy of References to Related Statutes, Rules and Forms

a. A reference to s. 49.854 (2), Stats., should be included in the definition of "lien" in s. DWD 43.03 (7) since that is the law under which the lien arises.

b. In s. DWD 43.06 (6) (b), the term "par." should be inserted before the term "(a)."

c. The reference to s. 767.25 (6), Stats., in s. DWD 43.06 (6) (c) seems to be incomplete. It would appear that, at a minimum, the provision should also contain a cross-reference to s. 767.51 (5p), Stats. Also, is s. 46.10 (14) (f), Stats., applicable as well?

d. The reference to s. 49.853 (3) (ag), Stats., in s. DWD 43.07 (1), should, it appears, be a reference to s. 49.854 (3) (ag), Stats.

e. Section DWD 43.10 (1) to (5) should all contain cross-references to the statutory actions they make reference to. For example, sub. (1) could be rewritten substantially as follows: "A child support agency may initiate license suspension under s. _____, Stats., if"

f. The references in s. DWD 43.11 (2) to s. 49.854 (5) (b), Stats, should instead be a reference to s. 49.854 (5) (d), Stats.

g. Section DWD 43.16 (1) (e) refers to a "standard format" prescribed by the department. Where is this format prescribed? In another rule? In the agreement? The rule should be clarified. Also, what are the "federal specifications for automated financial record matching"? Can a federal law or regulation be cited?

h. Section DWD 43.16 (2) should contain a statutory cross-reference to the financial record matching program under s. 49.853, Stats.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. DWD 43.03 (3) (intro.), "Department" should not be capitalized.

b. In s. DWD 43.03 (4), the phrase "or a plan set by the court" is not a helpful clarification of the meaning of the term "plan." Perhaps the word "plan" in the above phrase could be replaced by the term "order."

c. In s. DWD 43.03 (5), is interest on arrears included in "arrearage debt"? In addition, in sub. (5) and numerous other places throughout the rule, the phrase "court case" is used. Since it appears that "court case" refers to a special type of court case, i.e., one involving a child or family support related obligation, the rule should contain a definition of the term "court case."

d. In s. DWD 43.03 (8), "Department of Workforce Development" should not be capitalized.

e. In s. DWD 43.03 (9), the phrase "of property" should be inserted after the term "value."

f. In s. DWD 43.03 (10), the word "equals" should be changed to "means." In addition, the phrase "of the payer" should be inserted after the word "income" in the first sentence. Also, all of the material after the first sentence is substantive material and should not be in a definition but should be placed in a separate substantive provision. [See s. 1.01 (7) (b), Manual.] When the material in the second sentence is moved to a separate substantive provision, effort should be made to define or otherwise better identify the term "reconciliation" which, in the context of the rule, appears to be a term of art in the child support context.

g. In s. DWD 43.03 (15), (16) and (22), the word "is" after the defined terms should be replaced with "means." Similarly, in sub. (17), the phrase "is defined as" should be changed to "means."

h. In the second sentence of s. DWD 43.04 (2), how does an address become "verified" in order to avoid contacting the postmaster? What is to be included in the "contact" with the postmaster? Finally, the last sentence refers to "notice to the employer" being returned. It appears that the phrase should be "notice to the payer mailed to the payer's employer" or a similar phrase that conveys the idea that the notice is still being mailed to the payer, as required by the statutes.

i. The Note to s. DWD 43.04 (2) indicates that s. 767.263 (2), Stats., requires certain information to be provided to child support agencies. However, prior to October 1, 1999, or the date stated in the notice in the Administrative Register, the information must be provided to the clerk of court. The Note should provide a complete and accurate portrayal of the statutes.

j. In s. DWD 43.04 (4), the provision should be modified to make it clear that the notice is to be sent to the payer. In addition, what are the "local locate resources and interfaces" that the department or child support agencies are supposed to use?

k. Section DWD 43.05 provides for the administrative imposition of a forfeiture. However, the rule does not specify the hearing or appeal procedure that would appear to be necessary to satisfy due process requirements. The rule should identify these procedures. If they are set forth in other rules, those rules should be cross-referenced.

l. In the second sentence of s. DWD 43.05 (2), the rule should be clarified to provide that the insulation from liability from the administrative forfeiture applies also to a subpoena respondent who fails to comply with an administrative subpoena.

m. The provisions of s. DWD 43.06 (4) (b) 1., relating to calculating the monthly amount due, seem to conflict with the definition of "monthly amount due" in s. DWD 43.03 (15) in that the definition of "monthly amount due" specifically includes the sum of "all" court-ordered provisions for periodic payments. In contrast, s. DWD 43.06 (4) (b) 1. provides that percentage-expressed orders are excluded from the calculation. This apparent contradiction should be corrected or better clarified in the rule.

n. The clarity of the rule might be enhanced if a note were added explaining when it is "appropriate" to make the credits identified in s. DWD 43.06 (6) (d).

o. In s. DWD 43.07 (1), the parenthetical information should be deleted. If a "financial records and court order review" is to be called a "financial record review," then that fact should be made clear in a definition. In addition, sub. (1) should be revised to make it clear that the request for a review must be made in writing, as provided in s. 49.854 (3) (ag), Stats.

p. In s. DWD 43.08, "bound by" should replace "bound be."

q. In s. DWD 43.08 (2) (b), only funds in excess of \$500 "across all of a payer's accounts" may be seized. What does this mean? Does this mean that \$500 must be left to the payer in each account or that the payer must be left with a minimum of \$500 regardless of the number of accounts he or she maintains? The meaning of this provision should be clarified.

r. Section DWD 43.08 (3) provides that personal property cannot be seized unless the "lien exceeds \$500." However, this appears redundant in light of the directive in s. DWD 43.06 (4) (a) that the lien-eligible amount must be at least \$500. Perhaps the rule, in s. DWD 43.08 (3), intends to set the minimum value of the personal property that can be seized at \$500. This suggestion would appear to satisfy the department's duty in s. 49.854 (17), Stats., to prohibit a child support agency from seizing property under a certain value established by the department by rule. The rule should be clarified. Additionally, if the minimum value of the property to be seized is \$500, is that a cumulative total or a per item total? This should be clarified as well.

s. In s. DWD 43.08 (4), the parentheses should be replaced by commas. [See s. 1.02 (6), Manual.] Also, how is the "payer's proportionate share" of the property's equity to be determined? Finally, see comment l. c. above.

t. Although the first sentence of s. DWD 43.08 (6) alludes to a property seizure, the sentence should be modified so that it is clear that the request for a hearing is tied to a property seizure. For example, the phrase "and is the subject of a seizure by the department or a child support agency under s. _____, Stats.," or a similar phrase, could be added after the phrase "is jointly held."

u. In s. DWD 43.09, the term "protective order" should be defined or better identified.

v. When the department takes administrative enforcement actions, is it not bound by the thresholds in s. DWD 43.10? As drafted, that section applies only to child support agencies.

Since other provisions of the rule apply to the department as well as child support agencies, the applicability of the thresholds to the department should be clarified.

w. In s. DWD 43.10 (2), the word "an" should be inserted after the word "initiate."

x. In s. DWD 43.10 (5), the word "suspension" after the word "denial" should be deleted because it appears later in the sentence.

y. In s. DWD 43.11 (2), the phrase "court hearing on mistake of fact" is awkward and somewhat misleading. Act 191 provides that the payer may request a hearing and has the opportunity to establish that he or she does not owe the amount claimed to be owed. If the court finds that the payer does not owe the amount, or that the lien is not proper, because of a mistake of fact, the court may order an appropriate remedy. Perhaps, instead of trying to describe the hearing as a "mistake of fact" hearing, the rule could simply provide that the notice must inform the payer that he or she may request a hearing under the relevant statutory provisions.

Also, throughout s. DWD 43.11, the string of statutory references should be preceded by "s." rather than "ss." because of the use of the conjunction "or." In addition, "49.854" does not need to be repeated before each subsection number. For example, in s. DWD 43.11 (2) (a), the statutory references should be "s. 49.854 (5) (b), (6) (a) or (7) (a) or 49:857 (3) (a) or (am), Stats."

z. In s. DWD 43.11 (2) (c), the word "will" should be changed to "shall." Also, the clarity of the rule would be enhanced if instead of, or in addition to, the statutory reference to s. 767.30 (1), Stats., the phrase "in the amounts and at the times that it considers expedient" were added after the word "payments" in the last sentence.

aa. In s. DWD 43.11 (3), the phrase "review of mistake of fact" is difficult to understand. Should the phrase be "review of an alleged mistake of fact"?

ab. In s. DWD 43.11 (6) (b), the word "will" should be "shall."

ac. In s. DWD 43.11 (7), the terms "(2) (c)" and "(3)" should be preceded by the term "sub."

ad. Section DWD 43.11 (10) (a) 1. prohibits the periodic payment plan from decreasing the payer's gross income below a certain threshold. However, by its nature, gross income is what a payer has before support and other items like taxes are taken out. Thus, a negotiated payment plan will never reduce the payer's gross income. A payer's gross income will decrease if he or she is paid less. It appears that the intent of the rule is to provide that the negotiated payment plan, when subtracted from the payer's gross income, may not leave the payer below a certain threshold. If this is the case, the rule should be modified. In any event, it should be clarified. This comment applies also to par. (b).

ae. In s. DWD 43.11 (10) (b), the phrase "is not prohibited from negotiating" should be simplified to "may negotiate."

af. In s. DWD 43.11 (11), is the notice to the payer to be given in writing? The method of notification should be clarified.

ag. In s. DWD 43.11 (12) (intro.), the phrase "any of" should be inserted before the phrase "the following." Also, ", but is not limited to," is not necessary.

ah. Section DWD 43.11 (13) refers to a county initiating administrative enforcement actions. However, by definition, an administrative enforcement action is initiated by the department or child support agencies. Thus, it appears that the references to counties in sub. (13) should be a reference to child support agencies. Also, in par. (b), the phrase "property of" should be inserted after the word "against." Finally, the phrase "is not precluded from receiving" should be simplified to "may receive."

ai. In s. DWD 43.16 (1) (a) (intro.), what is an "automated financial institution"? The term should be defined. Also, "all of" should be inserted after "indicate."

ENFORCEMENT ACTIONS

Administrative Liens and the Child Support Lien Docket

Consistent with the requirements of PRWORA, s. 49.854 (2) of Wisconsin Act 191 requires liens to arise by operation of law against the real and personal property of payers who fail to pay court-ordered amounts of support. This administrative lien is effective when two conditions are met. First, the past-due support owed by a payer in a court case must equal or exceed an enforcement threshold specified in administrative rule to be drafted by the department and approved by the legislature. Consistent with the recommendation of the Child Support Policy Advisory Committee (PAC), the proposed threshold is 100 percent of monthly periodic payments in at least one court case. Second, the lien must be entered on the child support lien docket, which will occur automatically when the enforcement threshold has been met, and that docket must be delivered to the register of deeds in the county where the payer's property is located. Once a lien is effective, a child support worker may seize real and personal property, including financial accounts, to enforce the lien. A lien is effective for five years, and remains on the lien docket until it is paid in full.

The child support lien docket will be a statewide, electronic docket that is maintained jointly by the department and the county CSAs. The department is required to provide a copy of the docket to county child support agencies and registers of deeds, as well as state agencies that title personal property. Each entry on the lien docket must contain the name and SSN of the payer, the lien amount, and the date the lien was originally placed on the docket.

According to s. 49.854 (3), payers will receive a notice of lien after they have been placed on the docket. Within 10 business days of receiving the notice of lien, payers may request a financial record review, which must be completed within 60 days of the request, with the county child support agency in the county or counties in which the lien arose to determine whether the lien amount is correct. The CSA may not charge payers for the review. If payers disagree with the determination of the CSA, they may request a judicial review within 5 business days of receiving the determination. The judicial review must be conducted within 15 business days of the request.

Within 20 days of the notice that they have been placed in the lien docket, payers also have the option to request a judicial review to contest mistakes of fact immediately, pay arrears in full to have the lien removed from the docket, or negotiate a payment plan with the county CSA to stay enforcement of the lien.

Administrative liens are not effectuated until they are placed on the lien docket and that docket is delivered to the register of deeds. BCS anticipates the full implementation of the lien docket in the fall of 1998. Additional information on child support liens and the lien docket will be issued at that time.

Credit Bureau Reporting of Delinquent Payers

Changes in s. 49.22 (11), Wis. Stats., require that payers who are delinquent in the payment of child support must be reported to credit bureaus. It also requires that errors and payments in full be reported to the credit bureau within 30 days of the erroneous report or payment in full.

KIDS will be changed to automatically send a notice to delinquent payers of the intent to report when an individual reaches the reporting threshold. A delinquent payer can protest the report based on an erroneous statement of fact. If a protest is lodged the payer will not be reported until the issue is resolved. When the protest is resolved, or no protest is received, KIDS will automatically report the delinquent payer. Monthly updates on the delinquent amounts will be submitted to the credit bureaus.

Implementation of this provision is tied to the lien docket, which is anticipated to be implemented in the fall of 1998. Additional information on credit bureau reporting procedures will be provided at that time.

Financial Institution Data Matching

Consistent with the requirements of PRWORA, s. 49.853, of Wisconsin Act 191 requires the department and financial institutions operating in the state to enter into agreements to perform quarterly data matching, using automation to the extent feasible, to locate the financial accounts of delinquent child support payers. The Act requires the department to promulgate rules specifying the procedures it will use for entering into agreements with financial institutions, and the amount it will reimburse institutions for participating in the data match. Financial institutions may be reimbursed for an amount not to exceed their actual costs.

In the agreement with the department, financial institutions must specify one of the following methods for participating in the data match program:

- Financial institution match method. If a financial institution chooses to perform the data match itself, the department will provide the institution with the names and social security numbers (SSNs) of delinquent payers. The institution will then match this information against the names and SSNs of its account holders to determine if the payer has an ownership interest in an account at the institution. (The department is required to define ownership interest in administrative rule.) If a payer has an ownership interest in an account, the institution will provide the department with the payer's address and account information.
- State match method. If a financial institution elects to have the department perform the data match, it will provide the department with the names and SSNs of all of its account holders. The department will match this information against the names and SSNs of delinquent payers. If a payer has an ownership interest in an account, the department will request more detailed information about the payer from the financial institution. The department may not retain information concerning account holders who are not delinquent payers.

Under both matching methods, financial institutions and their employees are subject to penalties for using the information provided by the department for purposes other than the data matching program. These penalties include a fine that may range from \$25 to \$500 and/or imprisonment with a term of 10 days to one year.

Financial institution data matching will not be implemented until modifications to KIDS are completed, the required administrative rules are approved, and agreements are negotiated with Wisconsin financial institutions. More detailed information on the financial institution data matching program will be issued at a later time, prior to implementation of data matching procedures.

Income Withholding From Public Pensions

Statutes have been added that require government pension funds to withhold income withholding payments from monthly pensions amounts. The new law makes public pension funds subject to the same child support income withholding provision as employers and private pension funds. CSAs may send a normal income withholding notice to the pension plan for the amount to be withheld. DWD is working with the Department of Employee Trust Funds (ETF) to develop procedures to accommodate income withholding notices. CSAs can begin sending income withholding notices to pensions now. ETF has been entered into the third party table and income withholding notices to ETF can be produced in the same way as for an employer.

Intercept of Judgments and Settlements

Section 49.856, Wis. Stats., allows child support agencies to intercept judgments and settlements owed to delinquent payers, up to the delinquent amount certified on the lien docket. This provision cannot be implemented until an administrative rule establishes the thresholds at which the various administrative enforcement mechanisms can be initiated. When an emergency rule has been promulgated, detailed instructions on the procedures to initiate intercept of judgments and settlements will be made available.

Intercept of Lump Sum Pension Payments

Section 49.852, Wis. Stats., allows child support agencies to intercept lump sum pension payments requested by delinquent payers, up to the delinquent amount certified on the lien docket. This provision cannot be implemented until an administrative rule establishes the thresholds at which the various administrative enforcement mechanisms can be initiated. The Department of Workforce Development must also enter into data exchange agreements and Memoranda of Understanding with the Department of Employee Trust funds, and if necessary, the administrators of other public and private pension systems. When an emergency rule has been promulgated and the specific procedures for intercepting lump sum pension payments with the different pension administrators are complete, detailed instructions on the procedures to initiate intercepts will be made available.

License Suspension and Denial

Section 49.857, Wis. Stats., provides the legal authority for child support agencies to use an administrative process to certify a delinquent payer, or a person who fails to respond to an administrative subpoena or warrant, for suspension or denial of occupational, professional, recreational, sporting, and/or driver's licenses. The law requires that administrative rules establishing both the thresholds at which the various administrative enforcement mechanisms including license suspension can be initiated, and the guidelines for satisfactory payment plans, must be promulgated before license suspension can be used. The expected threshold for initiating license suspension is a delinquency of 300 percent of monthly periodic payments. The law also requires that, before license suspension can be implemented, the Department of Workforce Development must enter into Memoranda of Understanding formalizing the license suspension process with each of the state's licensing agencies, and, if they agree, also with the State Supreme Court and the Lac du Flambeau tribe. Because of these requirements in the law, administrative license suspension will not be implemented immediately.

When the legal requirements for implementing license suspension have been met, detailed information will be provided on the license suspension process. It is anticipated that information on the license suspension process will become available in late 1999.

Seizure of Financial Accounts, Personal Property, and Real Property

Consistent with PRWORA requirements, Wisconsin Act 191 provides county child support agencies with the authority to seize, in appropriate cases, a delinquent payer's financial accounts, personal property, and real property administratively. It is the responsibility of child support workers to review cases to determine whether seizure is appropriate and to initiate the process in KIDS.

A child support worker may initiate administrative property seizure, including financial account seizure, to enforce a lien only if certain conditions are met. First, according to s. 49.858 (2)(c), the past-due support owed by a payer must equal or exceed enforcement thresholds that will be specified in administrative rule for property seizure. Consistent with the recommendations of the PAC, the proposed threshold for account seizure is 300 percent of monthly periodic payments and an arrearage of \$1,000 in a court case. For personal and real property seizure, the recommended threshold is 600 percent of monthly periodic payments in a court case. Second, the child support worker must decide that property seizure is the next appropriate enforcement action. Third, in s. 49.854 (17), the value of the property that is targeted for seizure must exceed a dollar amount specified in administrative rule to be drafted by the department and approved by the legislature. Finally, in order to initiate real property seizure, a county CSA must first have the approval of the department.

Property seizure will not be implemented until the required administrative rules are promulgated. Additional information on the procedures to be followed will be provided at that time.

Account seizure. Section 49.854 (5), Wis. Stats., enacted as a provision of Act 191, authorizes the seizure of financial accounts. After county CSAs have identified cases that should be subject to account seizure, the department will initiate account seizure, sending a notice of levy to the financial institution(s), including brokerage houses, where a delinquent payer has an account. The notice will instruct the institution to freeze the payer's financial account(s) up to an amount that is sufficient to cover the lien amount, a \$5 levy fee, any regular financial institution fees, and early withdrawal penalties. The account will remain frozen until the institution is instructed to release or remit the frozen funds. When an account is frozen, an institution may continue to collect its fees for maintaining the account, and a payer may continue to access the unfrozen portion of the account.

After a notice has been sent to the financial institution and the account is frozen, a notice of levy will be sent to the payer. If the payer satisfies the lien or negotiates a payment plan within 20 business days after the date of notice, the county CSA will notify the institution to release the payer's financial account. Within these 20 days, the payer may also request a judicial review, which must be completed within 45 business days of the request, to contest the facts in the case or the payment plan negotiated with the CSA. If the court determines that arrears are not owed or orders an alternative payment plan, the CSA must notify the institution to release the account. The county CSA will instruct the financial institution to remit funds if:

- the payer does not negotiate a payment plan, request a judicial review, or pay arrears in full within 20 business days after receiving the notice of levy;
- the payer requests a judicial review of the facts, the court determines that arrears are owed, and a payment plan is not established; or
- the payer requests a judicial review of the reasonableness of a plan negotiated with a county CSA and the court does not establish a payment plan.

Financial institutions are authorized to collect a \$5 levy fee and any early withdrawal penalties from an account before remitting funds to the CSA.

Joint account holders will also receive a notice of levy, and have an opportunity to request a judicial hearing to determine the portion of the account that is attributable to their net contribution to the account. If joint account holders fail to request a hearing within 20 business days of the notice of levy, the entire account may be subject to seizure.

Account seizure will not be implemented until the required administrative rules are promulgated. More detailed information on account seizure will be provided when the rules have been completed.

Personal property seizure. Section 49.854 (6), Wis. Stats., enacted outlines the procedure for seizing personal property administratively. The process that is described below reflects the anticipated process for personal property seizure.

To initiate personal property seizure, a county CSA will issue an execution to the county sheriff. The execution will identify the property targeted for seizure, and instruct the sheriff to seize and sell the identified property. The property must be seized and sold within 90 days; however, this time period may be extended if the payer requests a judicial review and the review has not been completed within the 90 days. In addition, the sheriff will not proceed to sell seized property until the CSA directs the sheriff to do so.

After the property has been seized, the CSA will send a notice of seizure to the payer. If the payer satisfies the lien or negotiates a payment plan within 20 business days after the date of notice, the personal property will be released to the payer. Within these 20 days, the payer may also request a judicial review to contest the facts in the case or the payment plan negotiated with the CSA. If the court determines that arrears are not owed or orders an alternative payment plan, the personal property must be returned to the payer within 15 days.

The county CSA will proceed with the seizure process and send the payer a notice of sale if:

- the payer does not negotiate a payment plan, request a judicial review, or pay arrears in full within 20 business days after receiving the notice of seizure;
- the payer requests a judicial review of the facts, the court determines that arrears are owed, and a payment plan is not established; or
- the payer requests a judicial review of the reasonableness of a plan negotiated with a county CSA and the court does not establish a payment plan.

The notice of sale will inform the payer that the property will be sold and that he or she has an opportunity to redeem the property up to the time of sale by paying the lien amount in full. The

county sheriff will also receive a notice of sale which will direct him or her to proceed with the sale of the property.

Joint property owners will also receive a notice of levy, and have an opportunity to request a judicial hearing to determine the portion of the personal property that is attributable to their net contribution. If joint property owners fail to request a hearing within 20 business days of the notice of seizure, all proceeds from the sale of property may be used to satisfy the child support lien.

The sheriff is responsible for scheduling the sale, providing notice of the sale to the payer and the public, having the property sold, and issuing a certificate of sale to the purchaser.

Personal property seizure will not be implemented until the required administrative rules are promulgated. More detailed information on personal property seizure will be issued when the rules have been completed.

Real property seizure. Section 49.854 (7), Wis. Stats., now authorizes the seizure of real property. To initiate real property seizure, a county CSA will send a notice of intent to seize to the payer. If the payer satisfies the lien or negotiates a payment plan within 20 business days after the date of notice, the seizure process will be stopped. Within these 20 days, the payer may also request a judicial review to contest the facts in the case or the payment plan negotiated with the CSA. If the court determines that arrears are not owed or orders an alternative payment plan, the seizure process will be stopped.

The county CSA will send a final notice of intent to seize to the payer if

- the payer does not negotiate a payment plan, request a judicial review, or pay arrears in full within 20 business days after receiving the notice of intent to seize;
- the payer requests a judicial review of the facts, the court determines that arrears are owed, and a payment plan is not established; or
- the payer requests a judicial review of the reasonableness of a plan negotiated with a county CSA and the court does not establish a payment plan.

The final notice of intent to seize will inform the payer that the CSA will issue an execution to the county sheriff to seize and sell the real property, that the property may be redeemed up to the time of sale, and that he or she must vacate the property by the time of sale. The CSA will also issue an execution which directs the county sheriff to seize and sell the real property within 90 days.

The sheriff is responsible for scheduling the sale, providing notice of the sale to the payer and the public, having the property sold, and issuing a certificate of sale and deed to the purchaser. If the payer fails to vacate the property by the date of sale, the CSA may issue an administrative order directing the local law official to remove the payer from the property.

Real property seizure will not be implemented until the required administrative rules are promulgated. More detailed information on real property seizure will be issued when the rules have been completed.

Unemployment Insurance

Sec. 767.265(3m), Wis. Stats., now allows fixed sum payments, percentage expressed, and mixed order amounts to be submitted to Unemployment Insurance for withholding. The statute previously required intercept amounts to be expressed as fixed sum payments. This new statutory provision is already in effect, and will not require any change in current procedures.

SUMMARY OF PUBLIC HEARING TESTIMONY AND WRITTEN COMMENTS AND DEPARTMENT COMMENTS

DWD 43 - Child Support Administrative Enforcement

<u>RESPONDENT</u>	<u>COMMENTS</u>	<u>DEPARTMENT RESPONSES</u>
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5	General	Clarify how the rule affects foreign judgments and out of state payers.	The administrative enforcement actions in DWD 43 may be imposed only if Wisconsin is enforcing the child support order. A foreign order registered in Wisconsin for enforcement would be subject to DWD 43. If the payer lives out of state, and Wisconsin is enforcing the order, any property that the payer owns in Wisconsin may be subject to a lien and seizure, and any licenses issued by the state may be suspended or denied.
9	General	It is unfair to payers to implement such extreme punishments before the financial component of the KIDS system is fixed. Many arrearages are incorrect and these proposed penalties are too significant to impose before the existing errors are corrected.	Payers always have the opportunity to dispute arrearage amounts when an administrative action is initiated. When a lien is docketed, payers have the opportunity to request a financial record review and a court hearing to dispute whether past-due support is owed. When property seizure or license suspension is initiated, payers have the opportunity to negotiate a payment plan with a child support agency in order to suspend the action, and request a court hearing to dispute whether past-due support is owed or the payment plan is reasonable.
27	General	The provisions in the rule do not address situations in which payers quit their jobs to avoid paying support and can exist without technical income.	In cases in which the payer is shirking in order to avoid paying support, the court may impute a support amount based on the payer's earning capacity in order to establish an order. Although the payer does not have technical income, if arrears accrue on the unpaid imputed amount, the child support agency may pursue contempt proceedings against the payer, or initiate the suspension of a payer's professional, occupational, recreational or drivers licenses to enforce the support order.
25	General	These are communist laws.	1997 Wisconsin Act 191 requires the department to promulgate rules necessary to implement the administrative enforcement provisions required by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
25	General	This is an ex-wife support bill.	The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to have laws for administrative child support enforcement. Increased administrative enforcement will increase the amount of support collected on behalf of families.

SUMMARY OF PUBLIC HEARING TESTIMONY AND WRITTEN COMMENTS AND DEPARTMENT COMMENTS
DWD 43 - Child Support Administrative Enforcement

<u>RESPONDENT</u>	<u>COMMENTS</u>	<u>DEPARTMENT RESPONSES</u>
<u>RULE NUMBER</u>		

25,31	General	Men have no rights in child support. This bill is against men.	The enforcement provisions in DWD 43 are gender neutral. Child support agencies may use these enforcement remedies equally against mothers or fathers who fail to pay support.
29	General	It is important that the state take a more pro-active stance in pursuing delinquent parents.	The rule expands the tools available to child support agencies to collect past-due support. These administrative remedies will expedite the enforcement process.
29	General	Implementing lien and seizure provisions is important when the custodial parent does not have property but the noncustodial parent does own property.	A child support lien on property will prevent delinquent payers from transferring property without first satisfying past-due support. In addition, child support liens will be reported to credit bureaus which may affect the ability of delinquent payers to purchase property. A child support agency may initiate property seizure to enforce a lien if the arrearage in the case meets the threshold for seizure, the child support worker determines that seizure is the next appropriate action in the case, and the value of the property that is subject to seizure exceeds the amount specified in the rule.
28	General	The rule does not provide a quick way to stop an administrative process once it has been initiated. The more severe the penalty, the more there is a need for immediate relief to the problem.	Payers always have the opportunity to dispute arrearage amounts when an administrative action is initiated. When a lien is docketed, payers have the opportunity to request a financial record review or a court hearing to dispute whether past-due support is owed. When property seizure or license suspension is initiated, payers have the opportunity to negotiate a payment plan with a child support agency in order to suspend the action, and request a court hearing to dispute whether past-due support is owed or the payment plan is reasonable.
28	General	When the KIDS system shows that a payer is behind in child support, enforcement actions are initiated based on the presumption that a payer is guilty of owing those arrears. The legislature should not create additional penalties without a presumption of innocence.	As the custodian of KIDS records, the department presumes that its records are accurate. Administrative actions will be initiated based on the arrearage in these records.
44	General	Each child support case must be considered on its own merits to determine whether actions in that case will harm women and children.	Before an administrative enforcement action is initiated in a case, child support workers will determine whether that action is the next appropriate action based on the circumstances in the case.
32	General	The property that the payer lives in with his children may have a lien placed against it because he owes past-due support. His ex-wife also owes him past-due support.	A lien will not be placed on the property if past-due support owed by the payer is paid in full.

SUMMARY OF PUBLIC HEARING TESTIMONY AND WRITTEN COMMENTS AND DEPARTMENT COMMENTS

DWD 43 - Child Support Administrative Enforcement

<u>RESPONDENT</u>	<u>COMMENTS</u>	<u>DEPARTMENT RESPONSES</u>
<u>RULE NUMBER</u>		

33		Taking a person's drivers license or professional license will not be a positive move to force fathers to pay child support. It denies fathers of their livelihood which may be unconstitutional.	The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to have laws requiring the suspension, denial, and restriction of driver, professional, occupational, and recreational licenses for failure to pay support. The purpose of these laws is not to suspend licenses but to encourage payers to make arrangements to satisfy past-due support.
33	General	The need for child support would be reduced if the divorce process were less adversarial and both parents shared equally in custody, placement, and support.	1997 Wisconsin Act 191 requires the department to promulgate rules necessary to implement administrative enforcement actions. This recommendation exceeds the scope of DWD 43.
28, 41	General	These administrative procedures are just another way to get more money from the federal government. This money does not go to any child.	The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to have laws for administrative child support enforcement. Increased administrative enforcement will increase the amount of support collected on behalf of families.
41	General	The rule lacks necessary opportunities for noncustodial parents to identify errors and mistakes.	The rule, along with provisions of 1997 Wisconsin Act 191, provide the payer with several opportunities to identify errors and mistakes in financial records. When a lien is docketed, payers have the opportunity to request a financial record review or a court hearing to dispute whether past-due support is owed. When property seizure or license suspension is initiated, payers have the opportunity to request a court hearing to dispute whether past-due support is owed.
25	General	Without proper guidelines, these rules will be turned against fathers when they are given to administrators.	Procedures for these administrative enforcement provisions will be provided to county child support agencies before these provisions are implemented.
31, 32	General	Do not pass laws that devastate parents and children.	The purpose of the rule is to ensure that support is collected for children, not to devastate families.
41	General	The rule should impose punitive measures against agencies that make mistakes. As the rule is written, there is no incentive for agency workers to be accurate.	Before a child support worker initiates an administrative enforcement action, the worker will review the case to determine an administrative remedy is the next appropriate action in the case. The department is not using the blanket approach for suspending licenses or seizing property that would target all delinquent payers.
41	General	The rules could be construed to apply to all parents in the state regardless of whether they receive welfare.	The rule only affects cases that are enforced by a child support agency.

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44	General	The payment of child support needs to be enforced. This rule may be the answer to increased enforcement	We agree. The rule expands the tools available to child support agencies to collect past-due support. These administrative remedies will expedite the enforcement process.
46	General	It is inappropriate to proceed with this rule while the KIDS system is erroneous. The rules do not provide adequate protections from these significant enforcement activities for consistent payers if an error in KIDS does occur.	Payers always have the opportunity to dispute arrearage amounts when an administrative action is initiated. When a lien is docketed, payers have the opportunity to request a financial record review or a court hearing to dispute whether past-due support is owed. When property seizure or license suspension is initiated, payers have the opportunity to negotiate a payment plan with a child support agency in order to suspend the action, and request a court hearing to dispute whether past-due support is owed or the payment plan is reasonable.
46	General	There is no notification given to a payer that a payment has been received and credited to the proper account. There is no good way to a payer to call and receive this information.	With the implementation of centralized receiving and disbursement, payers may contact the customer service center at the Wisconsin Support Collection Trust Fund to receive account information. In addition, the monthly account statements include the amount of the support paid during the previous month.
34	General	A person could be damaged by an administrative enforcement action if the action is taken incorrectly. The rule does not have a provision to protect individuals against unwarranted action taken against them. Individuals will spend time and money to defend against improper actions taken against them.	A mistake in identity can be corrected simply by presenting identifying information to the county child support agency. A mistake in the amount of past-due support owed can be corrected by requesting a financial record review. A payer can request a financial record review after receiving a notice of lien. A financial record review is an administrative process to review payment records and court orders, and should not require the services of an attorney. However, a payer always has the right to obtain legal counsel. A provision to reimburse individuals for damages and legal fees will not be included in the rule.

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3	43.03 (1)	<p>Clarify whether a financial institution would participate in Wisconsin's financial record matching program only as to accounts located in Wisconsin, or wherever located. Under Act 191, a financial institution is not liable for disclosing information to the department or a child support agency pursuant to the financial record matching program. It is not clear that this provision of Wisconsin law will be applied by courts of other states which may hear privacy suits against Wisconsin financial institutions. Include a definition for the phrase "account maintained at a financial institution" that would exclude accounts held at out-of-state branches of Wisconsin financial institutions.</p>	<p>The rule has not been modified. Any accounts maintained by an institution doing business in Wisconsin would be subject to data matching regardless of whether the accounts are located in Wisconsin. The institution would not be liable for providing this account information. According to 42 U.S.C. 669A (a), notwithstanding any other provision of federal or state law, a financial institution is not liable under any federal or state law for disclosing any financial record of an individual to a state child support agency attempting to establish, modify, or enforce a child support obligation of such individual.</p>
4	43.03 (7)	<p>Clarify the definition of "child support lien." DWD 43 allows for a lien against all real and personal property of a payer. Section 49.854 (1)(e) limits the department to a lien against only that property which is in existence at the time of levy. Moreover, a lien is not effective against a good-faith purchaser of titled personal property unless the lien is recorded on that title</p>	<p>If an institution is a operating in more than one state, it may decide to perform the data match with the federal Office of Child Support Enforcement instead of state child support agencies in accordance with Section 406 of P.L. 105-200.</p> <p>To be consistent with s. 49.854 (1)(e), Stats., the rule has been modified to limit the lien to property in which the payer has a recorded ownership interest at the time of levy. In addition, a note has been added to the rule to indicate that a lien is not effective against a good-faith purchaser of titled personal property unless the lien is recorded on that title.</p>
20/21	43.03 (10)	<p>The expected income amount due should be based upon the most current income information available, especially when the income of the payer fluctuates.</p>	<p>We agree. The rule has been modified to specify that the most current income information reported by the payer's employer or the payer will be used to determine the expected monthly amount due in addition to the income of the payer during the period of the most recent reconciliation or in tax returns or records. The definition of expected monthly amount due has been moved to DWD 43.10 (5).</p>
20/21	43.03 (14)	<p>The definitions of "lien eligible amount" should be expanded to include the definition given under DWD 43.06(3).</p>	<p>The definition of the lien eligible amount under DWD 43.03 (15) has been modified to include DWD 43.06 (3) of the proposed rule. DWD 43.06 (3) has been deleted from the rule.</p>
20/21	43.03 (21)	<p>Clearly define the word "person."</p>	<p>As defined in s. 990.01 (26), Stats., "person" includes all partnerships, associations, and bodies politic or corporate. A note has been added to the rule to include this definition.</p>

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20/21	43.04	There should be a notice included in the monthly billing statements that clearly describes that consequences noncustodial parents will face if they fall behind in their child support.	The department plans to send a notice to all payers prior to the implementation of the lien docket that informs payers of the consequences of being placed on the lien docket. In addition, prior to the implementation of administrative enforcement actions, all payers will receive information about these new enforcement remedies. In new cases, a payer will receive information about administrative enforcement actions when a court order is entered. When payers are delinquent, the monthly billing statements will inform them of their delinquency status and that enforcement actions may be taken to collect past-due support.
21	43.04	Notices of administrative enforcement actions must outline the timelines that a payer must follow to request a financial record review or hearing.	We agree. Notices of administrative enforcement actions will notify payers of their due process rights and the time frames for requesting a court hearing and a financial record and court order review, and negotiating an alternative payment plan. This is a procedural concern that will not be addressed in the rule.
34	43.04	Notification of administrative enforcement actions required in the rules should be included with the regular monthly billing statements to the payer.	Notice of administrative enforcement actions will be sent separately from monthly billing statements. These notices will be more distinctive if they are mailed separately instead of sent with a monthly billing statement.
20/21	43.04 (2)	Add a requirement to this section that requires the department to document what steps it has taken to ensure that diligent effort has been made in sending out notices.	45 CFR 303.2 (c) requires child support case records to be supplemented with all information and documents pertaining to the case including all relevant facts, dates, actions taken, contact made and results in a case.
20/21	43.04 (4)	This section should be renumbered 43.04(3)(g) because using the locate services should be a component of the diligent effort to locate requirement.	The rule has been modified to include locate resources as a component of diligent effort for notifying the payer of administrative enforcement actions.
21	43.04 (5)	Clarify how third parties will receive notice of administrative enforcement actions when the payer is the only person listed on the title or only the payer's address is provided.	Notice of administrative enforcement actions will be provided to third parties with a recorded ownership interest in the property.
20/21	43.04 (5)	This section should direct the department or child support agency to send notices related to the seizure of property to the payer's spouse.	The rule has been modified to indicate that individuals other than the payer with a recorded ownership interest in property will be notified when the property is subject to seizure. A spouse will receive notice of property seizure if he or she has a recorded ownership interest in the property. DWD 43.04 (5) has been moved to DWD 43.08 (5).

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20/21	43.04 (5)	The notice sent to joint property holders should include a request for hearing that is easy to understand. The notice should clearly outline the time lines for requesting financial record reviews and for requesting court hearings.	When the department develops the notices for individuals other than the payer with a recorded ownership interest in property subject to seizure, the notice will indicate that the individual has 20 business days after the date of notice to request a hearing to protect the portion of the property that is attributable to his or her contributions. Sections 49.854 (5)(d), (6)(b), and (7)(b), Stats., require that the notice include this timeframe for requesting a court hearing. Individuals other than the payer with a recorded ownership interest in property do not have the opportunity to request a financial record review.
9	43.05	The arrearage problem in KIDS must be corrected before administrative penalties are imposed.	Administrative penalties may be imposed if a subpoena respondent fails to comply with an administrative subpoena or request for information, not if arrearages are owed.
10, 30	43.05	The rule does not identify the procedures individuals should follow if they have questions about the subpoena or do not understand the subpoena.	The administrative subpoena advises the subpoena respondent to contact the child support agency that issued the administrative subpoena if he or she has questions about the subpoena.
10, 21, 26, 30, 34	43.05	The rule does not specify where a subpoena respondent should go to quash a subpoena if the subpoena is oppressive or unwarranted.	The procedure for quashing an administrative subpoena is the same as the procedure for quashing a judicial subpoena at s. 805.07 (3), Stats. A note has been added to the rule to cross-reference this provision.
10, 30, 34	43.05	The rule does not specify how individuals can defend themselves against a forfeiture if they have a valid reason for not complying with an administrative subpoena.	Individuals may quash an administrative subpoena using the procedure outlined in s. 805.07 (3), Stats., for quashing a judicial subpoena. A note has been added to the rule to cross-reference this provision.
10, 30, 34	43.05	The rule does not specify how the department will collect the forfeiture that is imposed for failure to comply with an administrative subpoena.	The department will collect forfeitures in accordance with s. 778.01, Stats. A note has been added to the rule to cross-reference this provision.

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30, 34	43.05	<p>The rule does not specify how the penalty for failure to comply with an administrative subpoena is set. The assessment of a penalty may be arbitrary.</p> <p>The arbitrariness of the forfeiture amount has been removed from the rule. The rule has been modified to set a forfeiture of \$25 (instead of up to \$25) if a subpoena respondent fails to comply with an administrative subpoena unwillfully.</p> <p>Based on the circumstances in the case, the child support agency will determine whether a forfeiture is appropriate. The rule states that a subpoena respondent who fails to comply with a request for information may not be subject to an administrative forfeiture if access to the requested information is prohibited or restricted by law, or the subpoena respondent has good cause for refusing to cooperate. The rule has been modified to extend these exceptions to respondents who fail to comply with an administrative subpoena.</p>
34	43.05	<p>Section 325 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to have laws that authorize IV-D agencies to issue administrative subpoenas and impose penalties for failure to comply with an administrative subpoena.</p> <p>Under Wisconsin's Uniform Fraudulent Transfer Act, child support agencies may have transfers of property voided if the purpose of the transfer was to prevent assets from being seized to satisfy child support debts. In addition, payers who do not hold property in their name in order to escape a lien will not build equity in their name.</p>
33	43.06	<p>Placing liens will not be effective because there are ways for payers to get around the lien such as not holding property in their name.</p> <p>The Bureau of Child Support will establish policy advising counties to consolidate child support orders involving the same payer and payee.</p>
20/21	43.06	<p>It is unusual for the agency that issues the administrative subpoena to impose the sanctions for failure to comply with the subpoena. This may be unconstitutional and may not provide due process.</p> <p>Consideration should be given to paternity cases when determining whether the lien threshold has been met. For instance, a payer may be in arrears in two court cases with the same payee. If the rule as written were applied, neither cases may meet the lien threshold unless there were a mechanism for consolidating the cases. In essence custodial parents with child support orders in a number of different paternity cases would not be provided the same enforcement options as custodial parents in divorce cases where there are multiple children and one order.</p>

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45	43.06	In the sale or financing of real estate, there has to be certainty as to the lien amounts so that the buyer or lender can take an interest in the property free of all liens. A payoff letter with the specified amount needed to satisfy the lien, plus any interest charges, should be issued by the department. Without this type of notification an obligor will have a hard time selling or financing real estate.	The rule has been modified to require the department to develop procedures for releasing a lien.
45	43.06	The department should adopt a procedure for the release of real estate.	The rule has been modified to require the department to develop procedures for releasing property from a lien.
45	43.06	The department may wish to adopt a procedure for subordinating its liens to refinanced mortgages, on the idea that the obligor will obtain a better ability to pay after refinancing.	The rule has not been modified to require the department to develop procedures for subordinating its lien. A payer will have to satisfy the child support lien before refinancing property.
45	43.06	Liens must have effective dates shown on them so that the date of priority of each lien is visible from the docket itself.	The rule has been modified to indicate that the effective date of the lien is the date that the lien is first docketed and delivered to the register of deeds. The effective date will be displayed on the electronic lien docket.
45	43.06	Each lien must have a unique lien number so if a second lien is filed after the first is satisfied, payments will be tied to the correct lien.	This is a procedural issue that will not be addressed in the rule. Each lien will have a unique lien number. The lien number will include the year that the lien is docketed and the sequence in which the lien is docketed that year.
45	43.06	The payer's date of birth and address, and the county originating the lien must appear on the lien docket to help title searchers determine if there is a lien against an individual.	This is a procedural issue that will not be addressed in the rule. For each entry on the lien docket, the department will include a payer's date of birth and address, and the county or counties from which the lien originated.
2, 45	43.06	Clarify the priority of the child support lien versus other types of liens, such as superpriority liens, and real estate interests.	The rule has been modified to indicate that a child support lien has priority over all other liens on property except tax and special assessment liens, purchase money mortgages, construction liens, environmental liens, liens that are filed or recorded before the child support lien becomes effective, and any other lien given priority under the law.
3	43.06	Section 49.854 (12)(a) establishes the lien priority on real property. Clarify the lien priority on personal property.	See previous comment.

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45	43.06	Clarify whether a lien attaches to the marital property interest of a spouse not in title. This is not a joint interest as defined in the rule.	The definition of child support lien has been modified to clarify that the lien will attach itself to any real and personal property in which the payer has a recorded ownership interest at the time of levy.
45	43.06	Clarify whether a lien attaches to property title in a trust or a limited liability company when either the beneficiary or trustor is the obligor.	The rule has been modified to indicate that a lien does not attach to the property title of a beneficial interest in a trust, member interest in a limited liability company, partner interest in a partnership, and shareholder interest in a corporation.
45	43.06	It is problematic for a title searcher or Registrar of Deeds to directly match a lien with a satisfaction due to the fact that the lien is stored on the electronic docket and the satisfaction is stored in the Registrar of Deeds office.	Section 49.854 (2)(d), Stats., states that a satisfaction of lien may be recorded in the office of the register of deeds in which real or personal property of the person who owed support is located. Instead of filing a satisfaction with the register of deeds, the electronic child support lien docket will indicate whether a child support lien has been satisfied. The electronic child support lien docket will be accessible in the office of the county registers of deeds. The rule has been modified to indicate that the department or child support agency will record the satisfaction of a lien on the child support lien docket.
45	43.06 (1)	There needs to be more widespread availability of the lien docket. The terminals at the registrar of deeds office is not adequate to handle the volume of daily queries this rule calls for. Also, institutions should have the option to print the lien docket. The best solution would be to make the lien docket available to private companies at a cost to them.	The department will address this concern when it implements the child support lien docket.
20/21	43.06 (3)	The rule does not outline a procedure for establishing the amount of arrears owed in cases with percentage expressed orders. Without a procedure for establishing arrears, percentage expressed orders will be excluded from administrative enforcement activities. Child support agencies should be directed to conduct account reconciliation on percentage expressed orders at least every six months.	The rule will not be modified to require that reconciliations be conducted every six months for several reasons. First, the method for charging an arrearage is not germane to the rule; the rule does not outline how an arrearage is charged in cases with fixed orders. Second, given the workload associated with reconciliation, it would be impossible for child support agencies to conduct a reconciliation every six months. Finally, it is the policy of the Bureau of Child Support that reconciliations be conducted annually in cases with percentage expressed orders.

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20, 21	43.06 (3)(b)	There is no monthly amount charged in cases where the child support order is percentage expressed for the purposes of determining the lien eligible amount. Without a requirement to determine the amount owed for percentage expressed orders, the proposed rule will exclude percentage expressed orders from administrative enforcement activities.	The lack of a monthly charge does not mean that cases with percentage expressed orders will be excluded from administrative enforcement. When the lien-eligible amount is calculated, the monthly charge is subtracted from the arrearage debt in the court case in order to correct for any potential false arrearages. In cases with purely percentage expressed provisions, the arrearage debt does not include any false arrearages. Therefore, a monthly charge does not need to be subtracted from the arrearage debt.
26, 34	43.06 (4) and 43.10	Thresholds for administrative actions should be set at a uniform dollar amount and remain consistent throughout all thresholds. The amount of \$500 is too low considering the seriousness of the actions and the time involved to impose sanctions. A better threshold amount would be an amount of \$1500 for enforcement actions.	The department has worked with the Child Support Policy Advisory Committee and the legislature to develop reasonable thresholds for initiating administrative enforcement actions. The thresholds for initiating administrative remedies are based on a given percentage of the monthly amount due in the court case. Basing the thresholds on the monthly amount due equalizes the thresholds across cases with different levels of child support due. Different thresholds create a hierarchy of enforcement actions. As the severity of the administrative enforcement action increases, the percentage of the monthly amount due that arrears in a court case must meet or exceed also increases.
32	43.07	Computer printouts are worthless and cannot be understood.	The account history report has been modified to contain more plain language descriptions rather than codes. In sections that contain codes, an attempt has been made to make the codes understandable. An information sheet explaining how to read the account history report and a key attachment of the codes will be provided with the account history report. The account history report will include a payment history which lists the date payments were received, the source of the payments (except tax intercepts), the amount of payments, the debt to which the payment was applied, and any adjustments made to a collection. The report will also include the court order obligations in a case as well as a list of debts owed in a case and the current balance of each debt. A note has been added to DWD 43.07 (2) to indicate the information included in the account history report.

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31	43.07	It takes payers time to correct problems with computer records that are inaccurate.	In some cases in Milwaukee County, inaccurate data was loaded into the KIDS system during conversion. As a result of KIDS implementation, these errors were identified and corrected. The KIDS system itself tracks payments and arrearsages correctly.
35	43.07	The relevant financial records should not go back to the opening of the case. Only records from the most recent order should be provided.	According to DWD 43.07 (1), the financial record review will cover the period of time after the last judicial review or other account review.
1	43.07	The rule does not define relevant financial records.	DWD 43.07 (2) has been modified to indicate that the relevant financial records may include the account history report and any relevant county records prior to the implementation of the statewide child support enforcement system.
1, 8, 10, 20, 21, 26	43.07	By simply requiring the child support agency to provide the payer with a copy of relevant financial records and information explaining how to interpret them shifts the burden to the payer to review and interpret any the records and to allege any errors. This process is inconsistent with s. 49.854 (3)(ag), Stats., which requires the child support agency to "hold" and "conduct" a financial record review.	As the custodian of KIDS records, the department presumes that its records are accurate. It is the responsibility of the payer to identify any errors in the records. However, the rule has been modified to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors. The payer does not have to allege an error in the records in order to meet with a child support worker to review the records.
1	43.07	The department must conduct a financial record review that does not depend on the payer alleging an error in the records.	As the custodian of KIDS records, the department presumes that its records are accurate. It is the responsibility of the payer to identify any errors in the records. However, the rule has been modified to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors. The payer does not have to allege an error in the records in order to meet with a child support worker to review the records.

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1, 8, 26, 30, 34	43.07	KIDS financial records are difficult to understand even with instructions explaining how to interpret the records. The financial record review is not meaningful if the payer cannot understand the records.	The account history report has been modified to contain more plain language descriptions rather than codes. In sections that contain codes, an attempt has been made to make the codes understandable. An information sheet explaining how to read the account history report and a key attachment of the codes will be provided with the account history report. The account history report will include a payment history which lists the date payments were received, the source of the payments (except tax intercepts), the amount of payments, the debt to which the payment was applied, and any adjustments made to a collection. The report will also include the court order obligations in a case as well as a list of debts owed in a case and the current balance of each debt. A note has been added to DWD 43.07 (2) to indicate the information included in the account history report.
30	43.07	There is no due process of law if the records are unintelligible.	See previous comment.
8	43.07	Child support agencies should be required to meet face-to-face with payers and help them read and understand the records	The rule has been modified to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors. The payer does not have to allege an error in the records in order to meet with a child support worker to review the records.
8	43.07	Face-to-face meetings between the child support agency and the payer will lead to more settlements without court assistance which is the purpose of the administrative provisions in 1997 Wisconsin Act 191 and DWD 43. These settlements will have a positive impact on workload scheduling for those cases that do require court time.	See previous comment.
8	43.07	A child support agency's case in court will be enhanced if the agency has attempted to explain and settle the manner with the payer.	See previous comment.
34	43.07	The last judicial review may have been taken without the actual record being reviewed.	The financial record review will not include the financial records for a period of time prior to a court review or other account review. A court determination of arrearages is a final determination.

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34	43.07	The time period of the financial record review is limited. The review should cover a longer period and be more comprehensive unless not requested by the payer.	See previous comment.
34	43.07	It is difficult to succinctly write why records are in error and provide documentation to support your position. It will be easier for a payer to allege an error in the financial record review process if the payer has the opportunity to meet face-to-face with a child support worker.	When a payer requests a financial record review, the child support agency will provide the payer with an account history report, any relevant pre-KIDS county records, and information on how to read the account history report. In addition, the agency will provide the payer with a form the payer may use to identify any alleged errors in the records. The form will provide the payer with categories of potential types of errors that the payer may allege. The rule has been modified to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors. The payer does not have to allege an error in the records in order to meet with a child support worker to review the records.
10	43.07	The child support agency does not need to meet with every payer for a financial record review, but payers should have the opportunity for a face-to-face meeting with the child support agency.	The rule has been modified to provide a payer with the opportunity to meet with a child support worker to review the financial records and to discuss any alleged errors. The payer does not have to allege an error in the records in order to meet with a child support worker to review the records
26	43.07	The child support agency does not need to meet with every payer for a financial record review, but payers should have the opportunity for a face-to-face meeting with the child support agency if the payer finds an error.	See previous comment.
1	43.07	KIDS financial records do not indicate whether various court orders have been entered correctly in KIDS. When a financial record review is requested, the child support agency must be required to retrieve all of the court orders in existence on that case and manually check whether each of the orders was correctly placed in the system.	As the custodian of KIDS records, the department presumes that its records are accurate. Therefore, it is the payer's responsibility to determine whether various court orders have been entered correctly into KIDS. The account history will be modified to include a readable summary of court order obligations in a case. A note has been added to the rule to indicate that the account history report includes court order obligations in a case.

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1, 10, 30, 34	43.07	The financial records must include a readable summary of court orders, including the effective dates and amounts of past orders, so that NCPs will be able to accurately determine whether orders were entered correctly and arrearages are correct.	A note has been added to the rule to indicate that the account history report includes court order obligations in a case.
1	43.07	Financial records will need to indicate adjustments made in the payment records and any notes associated with those adjustments.	A note has been added to the rule to indicate that the payment history section of account history report includes any adjustments made to a payment.
1, 10, 26, 34	43.07	During the conversion to KIDS, arrearages were doubled or deleted in cases. Payers will not know if the system made a mistake during conversion.	These conversion problems were experienced in Milwaukee County. Milwaukee County has made every effort to correct these problems associated with conversion.
1, 10, 30, 34	43.07	The financial records that are provided to payers must include a clear list of the source of payments, the date of payments, and the amount of the payment.	A note has been added to the rule to indicate that the account history report includes the date that a payment was received, the collection source of the payment (except tax intercept), the amount of the payment, and the debt to which the payment was applied.
34	43.07	The amount of arrears and any miscellaneous charges must be included in the financial records provided to payers.	A note has been added to the rule to indicate that the account history report includes a listing of debts owed in a case and the current balance of each debt.
20/21	43.07	The rule does not state whether the financial records are free of charge to the payers and payees when requested.	Section 49.854 (3)(ag), Stats., states that the department must conduct the financial record and court order review at no charge to the payer. The note in DWD 43.07 (2) includes a cross-reference s. 49.854 (3)(ag), Stats.
20, 21	43.07	The presumption of accuracy of the financial records that existed when the clerks of court maintained the records cannot be extended to the department because the department, as a party to the family court action, should have to prove the accuracy of the financial records it relies upon. The department or the child support agencies should be required to review the actual financial records and the court orders in cases where requests are received given the known inaccuracies of KIDS records.	Financial records maintained by the clerks of court are no more likely to be accurate than records maintained by the department. However, because KIDS record maintained by the clerks of court were records of the court and, therefore, authentic records, they are more likely to be considered accurate. The department has developed a process for establishing the authenticity of records for court proceedings. As the official custodian of KIDS records, the department will self-authenticate KIDS records under s. 909.02, Stats. Authenticating KIDS records will maintain the integrity of KIDS records and shift the burden of finding errors in the records to the payer.

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45	43.08 (1)	<p>The rule intends to divest existing property rights of which there is notice in the public records. For example, if a nonobligated joint property owner owns 99 percent of a piece of real estate, that owner will lose 49 percent of that interest because he or she does not request a hearing. It should be the department's responsibility to look at the public records and treat the joint holder fairly without requiring the joint holder to schedule a hearing.</p>	<p>The rule will not be modified. According to the Legislative Council Staff, the department has the authority to seize the entire property of a child support payer who is a joint property holder, with the exception that the other joint owners can request a hearing to protect their property rights. To be fair to individuals other than the payer with a recorded ownership interest in property, the department has created the presumption that the payer's ownership interest in property is equal to a pro rata share based on the number of individuals with a recorded ownership interest in the property. The department will only seize the payer's ownership interest in the property.</p> <p>When the department initiates seizure, it will notify individuals with a recorded ownership interest in the property that property has been or will be seized. The notice will also inform these individuals of the opportunity to request a hearing to determine property rights.</p>
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4	43.08 (2)	<p>Clarify the length of time that accounts will be frozen.</p>	<p>The length of time an account is frozen will depend on actions taken by the payer after receiving a notice of levy.</p> <ul style="list-style-type: none"> • According to s. 49.854 (5), Stats., a payer may request a hearing within 20 business days of the date of the notice of levy. If the payer does not request a hearing, the institution will be instructed to remit funds to the state. In this scenario, the account will be frozen for at least 20 business days. • If the payer requests a hearing, the hearing must be held within 45 business days after receiving the request. If the court determines that arrearages are owed, the department will instruct the financial institution to remit funds. In this scenario, the account may be frozen over 65 business days. • If the hearing was conducted by a family court commissioner, the payer has the opportunity to request a hearing before the court 15 business days after the date of the family court commissioner's decision. If the payer does not request a review of a decision made by a family court commissioner, the institution will be directed to remit funds. In this scenario, the account may be frozen 80 business days. • If the payer requests a court review of the family court commissioner's decision, the account will be frozen more than 80 business days.
4	43.08 (2)	<p>The rule should be clarified to provide that a financial institution will be directed to freeze the portion of the account equal to the payer's pro-rata share when an account is jointly owned.</p>	<p>The rule has been modified to address this concern. If individuals other than the payer have a recorded ownership interest in an account, the notice of levy will instruct the financial institution to freeze the payer's ownership interest in the account. The payer's ownership interest in the account is presumed to be an equal pro-rata share of the account, based on the number of individuals with a recorded ownership interest in the account, at the time the institution receives the notice of levy.</p>

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4	43.08 (2)	<p>The rules should clarify that if a court determines that an amount other than an equal pro-rata share is the payer's portion of a jointly-held account, then only that amount should be frozen.</p>	<p>The rule has been modified to address this concern. The department or child support agency will continue with the presumption that the payer's pro-rata share of an account should be seized unless an individual other than the payer with a recorded ownership interest in the account requests a court hearing for determination of property rights within 20 business days of the date of the notice of levy. According to s. 49.854 (7m), Stats., if the court determines that a portion of the account is attributable to the contributions of an individual other than the payer with a recorded ownership interest in the property, the court must direct the department or child support agency to pay the individual, from the net balance of the account, the proportion of the gross value of the account that is attributable to that person's interest.</p>
4	43.08 (2)	<p>The rule should clarify that any subsequent activity (including subsequent deposits) by either the payer or the joint account holders after the financial institution is notified to freeze an equal pro-rata share of the money in the payer's account is permitted, and the financial institution is not liable for purposes of law and these rules for allowing such activity to occur.</p>	<p>According to s. 224.40 (3)(c), Stats., a financial institution is not liable for encumbering or surrendering any assets held by the financial institution in response to instructions from the department or a county child support agency for the purpose of enforcing a child support order. A note has been added to the rule to cross reference this section.</p>
4	43.08 (2)(b)	<p>The provision needs to be clarified to provide that it is DWD's responsibility to instruct financial institutions as to how much money in accounts held at the their institutions by the payer is intended to be frozen and then seized by the department. The financial institutions should not bear the burden of determining whether the first \$500 of a payer's account maintained at their institution is available for the payer to use.</p>	<p>The rule has been modified to require the notice of levy to specify the maximum amount that may be frozen in an account. If more than one individual has an ownership interest in the account, the maximum amount frozen may not exceed the payer's pro-rata interest based on the number of individuals with an ownership interest in the account. The requirement that the department or child support agency may only seize funds in excess of \$500 across all of a payer's accounts has been removed from the rule.</p>

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42	43.08 (3) 43.08 (5)	Financial institutions have concerns about the ability of the state to seize real and personal property that is the institution's collateral.	<p>If a financial institution has a collateral interest in a property but not a lien against the property, a child support lien would have priority over a collateral interest. Therefore, the department or child support agency may seize property that is a financial institution's collateral.</p> <p>In the future, child support liens will be reported to credit bureaus. Financial institutions will be able to determine whether there is a child support lien against property that may be used as collateral before issuing a loan to an individual.</p>
42	43.08 (3) 43.08 (5)	A loan for a property is granted to an individual without any current delinquency in child support. If the individual accrues a child support delinquency, does the state have a priority lien over that of the financial institution?	<p>The effectiveness of a child support lien is determined by the date it is filed. DWD 43.06 has been modified to indicate that a child support lien has priority over all other liens on property except tax and special assessment liens, purchase money mortgages, construction liens, environmental liens, liens that are filed or recorded before the child support lien becomes effective, and any other lien given priority under the law.</p>
42	43.08 (3) 43.08 (5)	When a loan becomes delinquent, financial institutions may use savings on deposit in the institution at the time of default as collateral. Financial institutions are concerned that if a loan becomes delinquent at the same time that child support becomes delinquent, any deposits that the institution may use as collateral prior to the department notifying the institution of the child support delinquency will need to be remitted to the department.	<p>According to s. 49.854 (1)(e) and (2), Stats., and DWD 43.03 (7), the child support lien is an encumbrance against property existing at the time of levy. If a financial institution removes funds from a collateral account prior to receiving a notice of levy, the funds will not have to be remitted to the department.</p>
42	43.08 (3) 43.08 (5)	Clarify whether a child support lien affects the ability of financial institutions to repossess collateral to satisfy a loan default.	<p>The rule does not affect the ability of financial institutions to repossess collateral to satisfy a loan. The institution must allocate proceeds from the sale of repossessed or foreclosed property to liens with priority over its collateral interest.</p>
42	43.08 (3) 43.08 (5)	If an institution reposses a vehicle or forecloses on a property subject to a child support lien, indicate the requirements for payment of any liquidated amount to the state.	<p>This is a procedural concern that will not be addressed in the rule. The institution will allocate proceeds from the sale of repossessed or foreclosed property according to lien priority.</p>

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20/21	43.08 (5)	The calculation related to the seizure of real property is complicated and needs a better explanation.	The calculation has been modified in DWD 43.08 (3). In order for the department or child support agency to initiate real property seizure, the payer's equity in the property, minus expected levy fees, must exceed 10 percent of the property's fair market value. For example, a payer owns real property with a fair market value of \$100,000 with one other individual. The payer's equity in the property minus expected levy fees must exceed \$10,000. Total equity in the property is \$40,000; the payer's equity is \$20,000 assuming an equal pro-rata share. The payer's equity of \$20,000 minus expected levy fees of \$500 is \$19,500, which exceeds the threshold of \$10,000.
20, 21, 26	43.09	Notices sent to payees with domestic violence threats or protective orders should be mailed 30 days before the initiation of administrative enforcement activities.	The rule has been modified to require the department or child support agency to send notice of the initiation of administrative enforcement actions <i>at the same time</i> to payers and payees in cases in which the payer is subject to a protective order or there is otherwise reason to believe that a payee or child may be harmed. Notice will not be provided to the payee prior to notifying the payer. The payer may find out that an action will be initiated and, in the case of account and personal property seizure, abscond with the property. See previous response.
26	43.09	Notices sent to payees with domestic violence threats or protective orders should be mailed prior to the initiation of administrative enforcement activities.	
30	43.09	All payees should be notified of hearings or court hearings that may affect their rights so that they can protect their rights.	The rule has been modified to require the department or child support agency to provide notice of hearings to all payees when the payer in the cases requests a court hearing on mistake of fact or the reasonableness of an alternate payment plan, and a hearing has been scheduled.

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26	43.09	All payees should receive notice of administrative enforcement actions every step if the way unless notification is waived.	<p>The department will not provide notice to all payees of administrative enforcement actions. There is no precedent in other child support administrative enforcement actions, such as tax intercept, to provide notice to the payee that an administrative action has been initiated. In addition, there are costs associated with notifying payees of each administrative enforcement action initiated, and county child support agencies may be overwhelmed with calls from payees requesting updates on the status of the administrative enforcement action.</p> <p>The rule has been modified, however, to require the department or child support agency to provide notice of hearings to all payees when the payer in the cases requests a court hearing on mistake of fact or the reasonableness of an alternative payment plan, and a hearing has been scheduled.</p>
10	43.09	All payees should be notified of hearings associated with administrative enforcement actions in advance to the payer.	<p>The rule has been modified to require the department or child support agency to provide notice of hearings to all payees when the payer in the cases requests a court hearing on mistake of fact or the reasonableness of an alternative payment plan, and a hearing has been scheduled. The payee will not receive advance notice of court hearings.</p>
10, 20, 21, 34	43.09	The payee should receive notification of enforcement actions regardless of whether is a protective order filed.	<p>The department will not provide notice to all payees when administrative enforcement actions have been initiated. There is no precedent in other child support administrative enforcement actions, such as tax intercept, to provide notice to the payee that an administrative action has been initiated. In addition, there are costs associated with notifying payees of each administrative enforcement action initiated, and county child support agencies may be overwhelmed with calls from payees requesting updates on the status of the administrative enforcement action.</p> <p>The rule has been modified, however, to require the department or child support agency to provide notice of hearings to all payees when the payer in the cases requests a court hearing on mistake of fact or the reasonableness of an alternative payment plan, and a hearing has been scheduled.</p>

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34	43.09	The payee is an interested party in a child support case and should be notified especially if a compromise agreement is proposed.	The department will not provide notice when an alternative payment plan is negotiated with a payer. An alternative payment plan does not affect the underlying child support obligation. In addition, payees will not be adversely affected by an alternative payment plan. Because the payment plan is for arrears, the support received by the payee will most likely be more than the court ordered monthly amount.
20; 21	43.09	Section 304 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires that child support agencies notify payees of administrative enforcement actions.	Section 304 of PRWORA does not require that all payees receive notice of administrative enforcement actions. This section of PRWORA requires parties to a support case to be notified of all proceedings in which support obligations may be established or modified.
34	43.10 (3)	The threshold for real property seizure should be \$5000.	The rule has been modified, however, to require the department or child support agency to provide notice of hearings to all payees when the payer in the cases requests a court hearing on mistake of fact or the reasonableness of an alternative payment plan, and a hearing has been scheduled. The department has worked with the Child Support Policy Advisory Committee and the legislature to develop reasonable thresholds for initiating administrative enforcement actions. The thresholds for initiating administrative remedies are based on a given percentage of the monthly amount due in the court case. Basing the thresholds on the monthly amount due equalizes the thresholds across cases with different levels of child support due. Different thresholds creates a hierarchy of enforcement actions. As the severity of the administrative enforcement action increases, the percentage of the monthly amount due that arrears in a court case must meet or exceed also increases.
10, 34	43.11	Clarify whether the rule permits the court or child support agency to negotiate an agreement in which the noncustodial parent may wait to pay arrearages until after the youngest child reaches the age of majority. It should be made clear that the arrearages do not have to be paid before the child reaches the age of majority.	The rule has not been modified. The rule provides the flexibility for a payment plan to begin at a future date. Because the payment plan may be a lump sum, a periodic payment, or both, a child support agency may settle for a lump-sum payment immediately and wait to collect the remainder of the arrearage until the child reaches the age of majority.

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20/21	43.11 (2)	When an administrative enforcement action is initiated, the notice to payers must clearly inform them that the negotiation of an alternative payment plan does not toll the time limits for requesting a hearing.	<p>The rule has not been modified. The notice to payers will inform them of the time frames for requesting a meeting with a child support worker to negotiate a payment plan and for requesting a hearing.</p> <p>The negotiation of a payment plan does toll the time limits for requesting a hearing. The payer must request a hearing on the reasonableness of a payment plan or mistake of fact within 20 business days of receiving a notice of enforcement actions even if the payer has requested a meeting with the child support agency to negotiate a payment plan but will not meet with the agency until the 20 business days have passed.</p>
20/21	43.11(2)	The section of alternative payment plans should be expanded to include timelines that the department must follow when responding to a alternative payment plan request.	<p>The rule has not been modified to include timelines that the department must follow when responding to a request to negotiate an alternative payment plan. When a payer makes a request to negotiate an alternative payment plan, administrative enforcement actions in the county initiating the action are halted against the payer. The absence of timelines does not hurt the payer except in cases of account seizure (the account has already been frozen) and personal property seizure (the property has already been seized). In these cases, if the payer requested a court review on the reasonableness of the payment plan, the plan will need to be negotiated prior to the court hearing. If a plan is not negotiated prior to the hearing, the court will order the child support agency to negotiate a plan with the payer.</p>
20/21	43.11 (10)(a)(1)	The phrase " unless the payer agrees otherwise" should be deleted to insure that payers are not taken advantage of by the department or child support agency when entering into a fair, affordable alternate payment plan.	<p>The purpose of using the phrase "unless the payer agrees otherwise" is to provide the payer with an opportunity to still negotiate a payment plan even if the plan, when subtracted from the payer's gross income, leaves the payer below 100 percent of the poverty line.</p>
4	43.16	Clarify what is meant by an automated financial institution.	<p>A definition of an automated financial institution has not been included to the rule. The distinction between an automated and nonautomated financial institution has been removed from the rule.</p>
40	43.16	There are enough ways to obtain information on delinquent payers without implementing a financial data match system.	<p>Federal and state law require the department to conduct a data match with financial institutions operating within the state to locate the assets of delinquent payers.</p>

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2	43.16	The rule should include informational notes that comment on the confidentiality of both the matching options.	A note has been added to the rule to reference the confidentiality provisions in s. 49.853 (3) and (4).
42	43.16	Reporting child support payments to credit bureaus would help to confirm the creditor's obligations and indicate whether creditors are up to date on payments.	Federal law requires states to report delinquent child support payments to credit bureaus. The department will report child support liens, which represent unpaid child support amounts, to credit bureaus.
44	43.16	Non-payment of child support should show up on a non-custodial parent's credit report as an unpaid debt.	The department will report child support liens, which represent unpaid child support amounts, to credit bureaus.
3, 4, 43	43.16 (2)	DWD 43 appears to require nonautomated institutions to use the state matching option. However, s. 49.853(2), Wis. Stats., permits institutions to elect either the state matching or financial matching options. A non-automated institution may prefer the financial match option because it offers greater protection to the clients, and it may require lower unreimbursed costs.	The rule has been modified to remove the distinction between automated and non-automated financial institutions. All institutions will be able to select either the state match option or the financial institution match option for participating in the record matching program.
3, 4, 40, 43	43.16 (3)	DWD 43 limits reimbursement to institutions that participate in the record matching program in a fully automated manner. This provision does not conform to s. 49.853(2), Wis. Stats., which states that all institutions participating in the data match are eligible for reimbursements.	The rule has been modified to remove the distinction between automated and non-automated financial institutions. All institutions participating in the data match will be reimbursed.
4, 43	43.16 (3)	By state and federal law, all institutions are entitled to be reimbursed for their actual costs incurred in conducting the data match. The \$100 per quarter reimbursement for conducting the data match in an automated fashion is contrary to statute, and is unreasonable as compared to the actual costs involved for institutions. Financial institutions should be allowed to calculate the actual costs they will likely incur and provide this information to the department.	According to federal law, states have the option to reimburse financial institutions for participating in a financial record matching program. Wisconsin law requires the department to reimburse financial institutions in an amount not to exceed their actual costs of a data match. The department selected a flat rate of \$100 for several reasons. First, negotiating actual costs with each of the state's 1,000 financial institutions will be administratively difficult. Second, the department believes that \$100 per quarter will not exceed an institution's actual cost of the data match. Finally, the financial institutions will most likely select the matching option that will result in the lower unreimbursed cost.
40	43.16 (3)	Indicate how the state will fund the \$100 per quarter reimbursement and the administrative costs of the data matching.	It is beyond the scope of the rule to identify funding sources for the financial institution record matching program.
45	Miscellaneous	Clarify how the notice of intent to levy under s. 49.854 (7)(a) is extinguished and released.	This concern will not be addressed in the rule. The department will develop procedures for extinguishing a notice of intent to levy real property.

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26	Miscellaneous	<p>Parents signing a paternity acknowledgment should be provided with a notice of the responsibilities and liabilities associated with acknowledging paternity.</p> <p>Payers were not given notification that the department was considering developing these rules or conducting public hearings.</p>	<p>The rule does not address voluntary paternity acknowledgment. However, the department has modified the voluntary paternity acknowledgment form.</p> <p>In accordance with statutory requirements, the department provided the Revisor of Statutes a notice of public hearing on DWD 43 which was published in the Administrative Register. In addition, the department released a news item on the public hearings that listed the times and locations of the hearings and encouraged individuals who were unable to attend the hearings to submit written comments on the rule to the department by November 6, 1998.</p>
46	Miscellaneous		