

2003 DRAFTING REQUEST

Bill

Received: 10/17/2002

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Robert Ziegelbauer (608) 266-0315

By/Representing: Tom Kelly

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Dom. Rel. - child support

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ziegelbauer@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require child support payee to notify payer of change in payee's income

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 10/17/2002	jdyer 10/18/2002		_____			
/1			rschlue 10/18/2002	_____	lkunkel 10/18/2002	sbasford 11/20/2002	sbasford 11/20/2002

per PSK

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	pkahler 03/10/2003	jdyer 03/10/2003	pgreensl 03/10/2003	_____	lemery 03/10/2003	lemery 03/10/2003	

FE Sent For:

None Needed

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/1		1/2 3/10 jld	rschluet 10/18/2002	7/10 PAB	lkunkel 10/18/2002	sbasford 11/20/2002	sbasford 11/20/2002
			3/10 PS				

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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*For Assembly
per
PJK*

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		10/18 jkd					

FE Sent For:

10/14-r
<END>

Bill Request Form

Legislative Reference Bureau

100 N. Hamilton Street

Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 10-14-02

Legislator, agency, or other person requesting this draft Rep. Ziegelbauer

Person submitting request (name and phone number) Tom Kelly (266-0315)

Persons to contact for questions about this draft (names and phone numbers) Bob Ziegelbauer (1-920-684-6783), Luanne Kostelic (266-0315), or Tom Kelly

Describe the problem, including any helpful examples. How do you want to solve the problem?

Rep. Ziegelbauer would like to introduce legislation in the 2003-2004 Legislative Session to amend section 767.263(1) of the statutes to require the payee of a child support order to notify the payer of that child support order of any changes in the payee's income.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks? YES NO

Any legislator? YES NO

Only the following persons _____

Do you wish to receive a copy of this draft via e-mail? YES NO

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0505/1

PJK:.....

Jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

gen cat

employer change or

1 AN ACT relating to: requiring a child support payee to notify the payer of any
2 substantial income changes.

Analysis by the Legislative Reference Bureau

Under current law, an order for child or family support or maintenance must include an order that requires the payer of the support or maintenance to notify both the county child support agency and the payee of any change of employer and of any substantial change in the amount of the payer's income such that his or her ability to pay the support or maintenance is affected. This bill requires an order for child or family support or maintenance also to include an order that requires the payee of the support or maintenance to notify the payer of any change of employer and of any substantial change in the payee's income.

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

3 SECTION 1. 767.263 (1) of the statutes is amended to read:
4 767.263 (1) Each order for child support, family support, or maintenance
5 payments shall include an order that the payer and payee notify the county child
6 support agency under s. 59.53 (5) of any change of address within 10 business days

1 of such change. Each order for child support, family support, or maintenance
 2 payments shall also include an order that the payer notify the county child support
 3 agency under s. 59.53 (5) and the payee, within 10 business days, of any change of
 4 employer and of any substantial change in the amount of his or her income, including
 5 receipt of bonus compensation, such that his or her ability to pay child support,
 6 family support, or maintenance is affected, and an order that the payee notify the
 7 payer, within 10 business days, of any change of employer and of any substantial
 8 change in the amount of his or her income, including receipt of bonus compensation.
 9 The order shall also include a statement that clarifies that notification of any
 10 substantial change in the amount of the payer's income will not result in a change
 11 of the order unless a revision of the order under s. 767.32 or an annual adjustment
 12 of the child or family support amount under s. 767.33 is sought.

History: 1977 c. 105; 1979 c. 32 s. 50; Stats. 1979 s. 767.263; 1989 a. 212; 1995 a. 279; 1997 a. 27, 191; 2001 a. 16.

SECTION 2. Initial applicability.

14 (1) This act first applies to orders for child support, family support, or
 15 maintenance that are granted on the effective date of this subsection.

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0505/5dn

PJK:.....

date

Jld

1. The drafting instructions said only to require the payee of child support to notify the payer of any income changes. To make the notification responsibilities of the payer and payee parallel, I required notification of a *substantial* change in income and notification of any change of employer. Is this okay? Do you want the payee to notify the child support agency, also, as the payer does?
2. Note that *substantial* is not defined, so whether an income change must be reported is presumably up to the payer and payee.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0505/1dn
PJK:jld:rs

October 18, 2002

1. The drafting instructions said only to require the payee of child support to notify the payer of any income changes. To make the notification responsibilities of the payer and payee parallel, I required notification of a *substantial* change in income and notification of any change of employer. Is this okay? Do you want the payee to notify the child support agency, also, as the payer does?
2. Note that *substantial* is not defined, so whether an income change must be reported is presumably up to the payer and payee.

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

Kahler, Pam

From: Kelly, Tom
Sent: Tuesday, November 19, 2002 12:51 PM
To: Kahler, Pam
Subject: LRB-0505/1

Hi Pam.

I just went over LRB-0505 (requiring a child support payee to notify the payer of any employer change or substantial income changes) with Bob.

Your drafter's note included two questions. The first question was whether it was okay for the bill to only require notification of substantial changes in income. The answer is yes, it is okay.

The second question was: "Do you want the payee to notify the child support agency, also, as the payer does?" The answer is no. Child support agencies already make mistakes. Adding another set of data to their files would probably just cause more mistakes.

Assuming that the bill was drafted with these questions answered as outlined above (and that appears to be the case, but I'm not an attorney), please have the draft jacketed for the Assembly.

Thanks for your hard work.

Sincerely,
Tom Kelly

Office of Rep. Bob Ziegelbauer

Staff

Luanne Wavrunek Kostelic
Thomas M. Kelly III

State Capitol

207-North, PO Box 8953; Madison, WI 53708-8953
Phone: (608) 266-0315
Toll Free: 1-888-529-0025
Fax: (608) 266-0316
Website: www.legis.state.wi.us

In the District

1213 S. 8th Street, PO Box 325
Manitowoc, WI 54221-0325
Office: (920) 684-6783
Home: (920) 684-4362

Kahler, Pam

From: Kelly, Tom
Sent: Wednesday, March 05, 2003 10:19 AM
To: Kahler, Pam
Subject: LRB-0505 (requiring a child support payee to notify the payer of any employer change or substantial income changes)

Hi Pam.

Your drafter's note for LRB-0505 (dated 10-18-02) asked the following question: "Do you want the payee to notify the child support agency, also, as the payer does?"

On November 19, 2002, I replied (via email) that we did not want the payee to also have to notify the child support agency. At that time, I also requested that the bill be jacketed for introduction.

Having circulated the bill for co-sponsorship, several questions have been raised that we did not think of earlier. The chief of these is: "Under current law, how do payers notify payees in situations where court orders prohibit direct contact (for example, because of a history of domestic abuse)?" I cannot find how the statutes address these situations. Do they? If so, where?

Because of the possibility that LRB-0505 as currently drafted could force abused persons to contact and provide personal information to their abusers, we will need a redraft. However, we are not sure how to handle such delicate issue. Do you have any ideas?

As mentioned earlier, I have the bill jacket. However, because of a miscommunication in our office, the list of cosponsors has already been written on the jacket. Does that make a difference for returning the jacket for a redraft?

Please let me know how you think we should proceed.

Sincerely,
Tom Kelly

Office of Rep. Bob Ziegelbauer

Staff

Luanne Wavrunek Kostelic
Thomas M. Kelly III

State Capitol

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In the District

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Home: (920) 684-4362

per Tom on 3-10:
Redraft so that
payee must notify
child support agency
as well as payer of
change in employer, etc.



SOON
(3-10)

2003 BILL

✓ county child support agency
and the

Regen

✓ both the county child support agency
and

1 AN ACT to amend 767.263 (1) of the statutes; relating to: requiring a child
2 support payee to notify the payer of any employer change or substantial income
3 changes.

Analysis by the Legislative Reference Bureau

Under current law, an order for child or family support or maintenance must include an order that requires the payer of the support or maintenance to notify both the county child support agency and the payee of any change of employer and of any substantial change in the amount of the payer's income such that his or her ability to pay the support or maintenance is affected. This bill requires an order for child or family support or maintenance also to include an order that requires the payee of the support or maintenance to notify the payer of any change of employer and of any substantial change in the payee's income.

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BILL

1 support agency under s. 59.53 (5) of any change of address within 10 business days
 2 of such change. Each order for child support, family support, or maintenance
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 9 change in the amount of his or her income, including receipt of bonus compensation.

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 13 of the child or family support amount under s. 767.33 is sought.

SECTION 2. Initial applicability.

15 (1) This act first applies to orders for child support, family support, or
 16 maintenance that are granted on the effective date of this subsection.

(END)

County child support agency under A.S. 59.53(5) and the

