

# RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman (or Lynn E. in his absence)

(Request Made By: PJK) (Date: 4, 7, 03)



Please transfer the drafting file for

2001 LRB \_\_\_\_\_ to the drafting file

for 2003 LRB \_\_\_\_\_

☞ The final version of the 2001 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2001 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

☞ For research purposes, because the 2001 draft was incorporated into a 2003 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the 2003 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

— OR —

Please copy the drafting file for

2003 LRB 0017, 0018, <sup>+0021</sup> 1 <sup>(all versions)</sup> \_\_\_\_\_ (include the version) and place it in the

drafting file for 2003 LRB - 2485

☞ For research purposes, because the original 2003 draft was incorporated into another 2003 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2003 drafting file. This request form will be inserted into the "guts" of the new 2003 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

☞ The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.

**2003 DRAFTING REQUEST**

**Bill**

Received: 09/13/2002

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Administration-Budget 6-8219

By/Representing: Fath

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:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Fath - BB0186,

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**Topic:**

Require consideration of income disparity when establishing support

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**Instructions:**

See Attached

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**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 09/13/2002	kgilfoy 09/19/2002		_____			
/P1			rschluet 09/19/2002	_____	lkunkel 09/19/2002		
/P2	pkahler	kgilfoy	jfrantze	_____	lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/15/2002	10/16/2002	10/16/2002	_____	10/16/2002		

FE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 09/13/2002

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Administration-Budget 6-8219

By/Representing: Fath

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May Contact:

Addl. Drafters:

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Extra Copies:

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Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Fath - BB0186,

Topic:

Require consideration of income disparity when establishing support

Instructions:

See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

*10/16  
P2 King*

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 09/13/2002

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Workforce Development 6-3338**

By/Representing: **Troy Sterr**

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: **sterrtr@dwd.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Require consideration of income disparity when establishing support

---

**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 09/13/2002	kgilfoy 09/19/2002		_____			
/P1			rschluet 09/19/2002	_____	lkunkel 09/19/2002		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 09/13/2002

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Workforce Development 6-3338

By/Representing: Troy Sterr

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: sterrtr@dwd.state.wi.us ✓

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require consideration of income disparity when establishing support

Instructions:

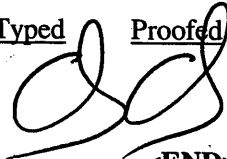
See Attached

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>
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FE Sent For:

1/11-9/19  
KMG

  
<END>  
9-19-2

## STATUTORY MODIFICATIONS

Department of Workforce Development  
2003-2005 Biennial Budget Request

**DIN Number:** DIN56XXSTAT#7

**Topic:** Montemurro v Luciani decision

**Description of Change:**

Amend s. 767.25(1m) to clarify that the financial resources and standard of living of both parties as well as any significant disparity between the parties' gross income or earning capacities should be considered when establishing a support order.

Add a legislative note explaining that the purpose of the statute change is to overrule the Montemurro v Luciani decision.

**Justification:**

Currently, s. 767.25(1m) allows the court to modify the amount of support ordered when considering the financial resources of either of the parties. However, in the Montemurro v Luciani decision, the Court of Appeals ordered the noncustodial parent to pay support using the percentage standard without considering the income of the custodial parent whose income was significantly greater than the noncustodial parent's income. The effect of the order was that the noncustodial parent, who had considerably less income than the custodial parent, was ordered to pay full child support based on the percentage standard.

The DWD Child Support Guidelines Advisory Committee recommended a statutory change to ensure that courts follow the statutory intent to consider the financial resources of both parties. A change in statute will ensure that courts consider the financial resources and standard of living of both parties as well as significant disparities between the parties' gross incomes or earning capacities.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

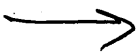
SOON  
(9-6)  
D-note

gen cat

1 AN ACT ~~x~~; relating to: considering income disparity when determining child  
2 support.

***Analysis by the Legislative Reference Bureau***

Under current law, in divorces, paternity actions, and other actions affecting the family in which child support is ordered, the court must determine child support payments by using the percentage standard established by administrative rule by the department of workforce development (DWD). The percentage standard is a percentage of the payer's gross monthly income and varies with the number of children to be supported. A payer must pay 17% of his or her gross income for one child, 25% for two children, 29% for three children, 31% for four children, and 34% for five or more children.



Under the statutes, a court may, upon the request of a party, modify the amount of child support that would be ordered by using the percentage standard if the court, after considering a number of factors, finds that use of the percentage standard is unfair to the child or to either of the parties. Among the factors under current law that the court must consider are the financial resources and earning capacity of each parent. This bill adds that the court must also consider the standard of living of both parents, including any significant disparity between the gross incomes or earning capacities of the parents. This addition is intended to address the decision in *Luciani v. Montemurro-Luciani*, 199 Wis. 2d 280, 544 N.W. 2d 561 (1996), which some perceive as unfair to the child support payer. In that case, the parent with less physical placement with the couple's two children and whose income was much lower than the income of the parent with more physical placement was ordered to pay child



support in the amount determined by using the percentage standard without any modification based on the payee's significantly higher income.

---

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

1 SECTION 1. 767.25 (1m) (b) of the statutes is amended to read:

2 767.25 (1m) (b) The financial resources and standard<sup>A</sup> of living of both parents,  
3 including any significant disparity between the gross incomes or earning capacities  
4 of the parents.

History: 1971 c. 157; 1977 c. 29, 105, 418; 1979 c. 32 ss. 50, 92 (4); 1979 c. 196; Stats. 1979 s. 767.25; 1981 c. 20; 1983 a. 27; 1985 a. 29; 1987 a. 27, 37, 355, 413; 1989 a. 31, 212; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7101, 7102, 9126 (19); 1995 a. 201, 279, 404; 1997 a. 27, 35, 191; 1999 a. 9, 32; 2001 a. 16, 61.

5 (END)

*D* *note*


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

0017/ PI  
LRB-5182/dn  
PJK: KING

1. I don't think that this proposed change will accomplish what you want. It is not true that the court in the *Luciani* case did not consider the disparity in the parties' incomes. At every stage the disparity in their incomes was explicitly considered. The supreme court left the support as originally ordered because Mr. Luciani failed to show that, despite the disparity in their incomes, ordering him to pay support based on the percentage standard was unfair to anyone, as the statute requires. Since it seems that the court did in fact consider what you are proposing to add, I can't see that the added language will change anything, or that *Luciani* would have come out any differently if the added language had been there when the case was decided.

It seems to me that to overrule *Luciani* you will have to be more direct, such as by creating a rebuttable presumption of unfairness if the payer's income is much less than the payee's.

2. I have a question about the "standard of living" language. Is that intended to be the standard of living of the parties at the time support is ordered or the standard of living that will result *after* support is ordered? Most of the other factors in s. 767.25 (1m) relate to the situation at the time support is ordered and are independent of that order. In the *Luciani* case, requiring Mr. Luciani to pay support based on the percentage standard without modification resulted in a lower standard of living for him and a greater disparity in their standards of living *after* the order. Perhaps requiring the court to consider the standards of living and any disparity that will result *after* support is ordered would better serve your purpose.



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-0017/P1dn  
PJK:kmg:rs

September 19, 2002

1. I don't think that this proposed change will accomplish what you want. It is not true that the court in the *Luciani* case did not consider the disparity in the parties' incomes. At every stage the disparity in their incomes was explicitly considered. The supreme court left the support as originally ordered because Mr. Luciani failed to show that, despite the disparity in their incomes, ordering him to pay support based on the percentage standard was unfair to anyone, as the statute requires. Since it seems that the court did in fact consider what you are proposing to add, I can't see that the added language will change anything, or that *Luciani* would have come out any differently if the added language had been there when the case was decided.

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

**STATUTORY LANGUAGE REQUEST**  
**2003-05 BIENNIAL BUDGET**

**TOPIC:** Overrule of the Montemurro v Luciani Decision  
**TEAM:** EDUC  
**ANALYST:** Fath  
**AGENCY:** DWD  
**NUMBER:** 445

448 17

BBO 186

**CORRESPONDENCE/Memorandum**

**State of Wisconsin  
Department of Administration**

**Date:** October 14, 2002  
**To:** Steve Miller, LRB  
**From:** Erin Fath, DOA  
**Subject:** Statutory Language Request

**DWD request 5603-STAT#7: Overrule of the Montemurro v Luciani Decision**

Attached is a request for a statutory language change that DWD submitted to LRB prior to submitting its biennial budget request to DOA.

**LRB-0017/P1** was included with this request as part of DWD's biennial budget submission to DOA.

I am submitting this request now to get it into DOA's statutory language tracking system as a DOA statutory language request item.

If you have any questions, please call me at 6-8219, or send me an email at: [erin.fath@doa.state.wi.us](mailto:erin.fath@doa.state.wi.us).

Thank you.

## STATUTORY MODIFICATIONS

Department of Workforce Development  
2003-2005 Biennial Budget Request

**DIN Number:** DIN5603STAT#7

**Topic:** Montemurro v Luciani decision

### Description of Change:

Amend s. 767.25(1m) to clarify that the financial resources and standard of living of both parties as well as any significant disparity between the parties' gross income or earning capacities should be considered when establishing a support order.

Add a legislative note explaining that the purpose of the statute change is to overrule the Montemurro v Luciani decision.

### Justification:

Currently, s. 767.25(1m) allows the court to modify the amount of support ordered when considering the financial resources of either of the parties. However, in the Montemurro v Luciani decision, the Court of Appeals ordered the noncustodial parent to pay support using the percentage standard without considering the income of the custodial parent whose income was significantly greater than the noncustodial parent's income. The effect of the order was that the noncustodial parent, who had considerably less income than the custodial parent, was ordered to pay full child support based on the percentage standard.

The DWD Child Support Guidelines Advisory Committee recommended a statutory change to ensure that courts follow the statutory intent to consider the financial resources of both parties. A change in statute will ensure that courts consider the financial resources and standard of living of both parties as well as significant disparities between the parties' gross incomes or earning capacities.

2003

Date (time) needed SOON (10-15)

D-note

LRB-0017/P2

**DOA BUDGET DRAFT**

*(converted from DWD draft)*

PSK:Kmg:

Use the appropriate components and routines developed for bills.

>>FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT . . . [DO NOT generate catalog]; relating to: the budget. ....

.....  
.....

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

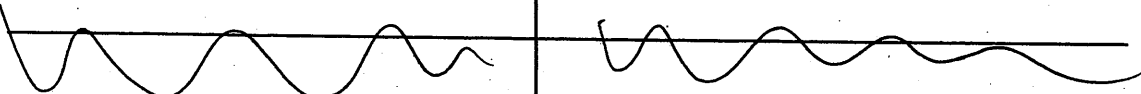
For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

Health and human services ✓

Other health and human services ✓



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

~~SECTION #.~~



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0017/5 P2

PJK:kmg:rs

*revision*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 767.25 (1m) (b) of the statutes; relating to: considering  
2 income disparity when determining child support.

*Analysis by the Legislative Reference Bureau*

Under current law, in divorces, paternity actions, and other actions affecting the family in which child support is ordered, the court must determine child support payments by using the percentage standard established by administrative rule by ~~the Department of Workforce Development~~ DWD. The percentage standard is a percentage of the payer's gross monthly income and varies with the number of children to be supported. A payer must pay 17% of his or her gross income for one child, 25% for two children, 29% for three children, 31% for four children, and 34% for five or more children.

Under the statutes, a court may, upon the request of a party, modify the amount of child support that would be ordered by using the percentage standard if the court, after considering a number of factors, finds that use of the percentage standard is unfair to the child or to either of the parties. Among the factors under current law that the court must consider are the financial resources and earning capacity of each parent. This bill adds that the court must also consider the standards of living of both parents, including any significant disparity between the gross incomes or earning capacities of the parents. This addition is intended to address the decision in *Luciani v. Montemurro-Luciani*, 199 Wis. 2d 280, 544 N.W. 2d 561 (1996), which some perceive as unfair to the child support payer. In that case, the parent with less physical placement with the couple's two children and whose income was much lower than the income of the parent with more physical placement was ordered to pay child





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

LRB-0017/P2dn

PJK: ~~mag:rs~~

Erin:

1. This proposed change may not accomplish what is wanted. Both the appeals court and the supreme court explicitly considered the disparity in the parties' incomes in the *Luciani* case. The supreme court left the support as originally ordered because Mr. Luciani did not show that, despite the disparity in the parties' incomes, ordering him to pay support based on the percentage standard was unfair to anyone, as s. 767.25 (1m) requires. Since it seems that the court did in fact consider the disparity in the parties' incomes, I can't see that explicitly adding that language to s. 767.25 (1m) (b) will change anything, or that *Luciani* would have come out any differently if the added language had been there when the case was decided.

WDH It seems to me that to overrule *Luciani* something more direct is needed, such as creating a rebuttable presumption of unfairness if the payer's income is much less than the payee's.

2. The drafting instructions say to add a legislative note explaining that the purpose of the statute change is to overrule *Luciani*, and I have mentioned the *Luciani* case in the analysis. Unless the statutory language is considered ambiguous, however, a court will not look beyond the language to outside sources, such as the legislative history, including the analysis of the bill that became the act, for help with interpreting the language.

3. It is not clear to me whether the proposed "standard of living" language is intended to refer to the standard of living of the parties at the time support is ordered or the standard of living that will result *after* support is ordered? Interpretation would be left to a court's discretion. Most of the other factors in s. 767.25 (1m) relate to the situation at the time support is ordered, unaffected by that order. In the *Luciani* case, requiring Mr. Luciani to pay support based on the percentage standard without modification resulted in a lower standard of living for him and a greater disparity in their standards of living *after* the order. Perhaps requiring the court to consider the standards of living and any disparity that will result *after* support is ordered would better serve the intended purpose.

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-0017/P2dn  
PJK:kmg:jf

October 16, 2002

Erin:

1. This proposed change may not accomplish what is wanted. Both the appeals court and the supreme court explicitly considered the disparity in the parties' incomes in the *Luciani* case. The supreme court left the support as originally ordered because Mr. Luciani did not show that, despite the disparity in the parties' incomes, ordering him to pay support based on the percentage standard was unfair to anyone, as s. 767.25 (1m) requires.

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

DOA:.....Fath - BB0186, Require consideration of income disparity when establishing support

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, in divorces, paternity actions, and other actions affecting the family in which child support is ordered, the court must determine child support payments by using the percentage standard established by administrative rule by DWD. The percentage standard is a percentage of the payer's gross monthly income and varies with the number of children to be supported. A payer must pay 17% of his or her gross income for one child, 25% for two children, 29% for three children, 31% for four children, and 34% for five or more children.

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perceive as unfair to the child support payer. In that case, the parent with less physical placement with the couple's two children and whose income was much lower than the income of the parent with more physical placement was ordered to pay child support in the amount determined by using the percentage standard without any modification based on the payee's significantly higher income.

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1 SECTION 1. 767.25 (1m) (b) of the statutes is amended to read:

2 767.25 (1m) (b) The financial resources and standards of living of both parents,  
3 including any significant disparity between the gross incomes or earning capacities  
4 of the parents.

5 (END)

**2003 DRAFTING REQUEST**

**Bill**

Received: 09/13/2002

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Fath**

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:

Carbon copy (CC:) to:

---

**Pre Topic:**

DOA:.....Fath - BB0189,

---

**Topic:**

Require support petition to include information about other support orders

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**Instructions:**

See Attached

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**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 09/13/2002	kgilfoy 09/16/2002		_____			
/P1			pgreensl 09/19/2002	_____	sbasford 09/19/2002		
/1	pkahler	kgilfoy	rschlue	_____	lemery		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/15/2002	10/15/2002	10/16/2002	_____	10/16/2002		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: **09/13/2002**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

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

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

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**Pre Topic:**

DOA:.....Fath - BB0189,

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**Topic:**

Require support petition to include information about other support orders

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**Instructions:**

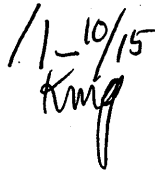
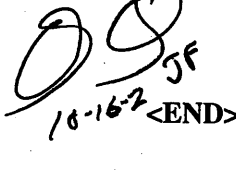
See Attached

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**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>
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FE Sent For:



**2003 DRAFTING REQUEST**

**Bill**

Received: 09/13/2002

Received By: pkahler

Wanted: Soon

Identical to LRB:

For: Workforce Development 6-3338

By/Representing: Troy Sterr

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: sterrtr@dwd.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

Require support petition to include information about other support orders

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**Instructions:**

See Attached

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**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 09/13/2002	kgilfoy 09/16/2002		_____			
/P1			pgreensl 09/19/2002	_____	sbasford 09/19/2002		

09/19/2002 10:53:17 AM

Page 2

**LRB-0018**

FE Sent For:

<END>

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FE Sent For:		1/1 - 9/16 Kmg	9/16 PS	9/16 <END> PS/RS			

## **STATUTORY MODIFICATIONS**

Department of Workforce Development  
2003-2005 Biennial Budget Request

**DIN Number:** DIN56XXSTAT#10

**Topic:** Notification of multiple child support orders

### **Description of Change:**

Amend s. 767.085 to require the petition for support to specify whether either of the parties in an action to establish support is obligated to pay child or family support under any judgments or orders issued by a court and, if so, the name of the court that issued each judgment or order and the amount of child or family support owed under each judgment or order, if known.

### **Justification:**

Members of the DWD Child Support Guidelines Advisory Committee were concerned that low-income fathers are sometimes ordered to pay child support in amounts that exceed their ability to pay. These members believed that some fathers faced with excessive orders make no voluntary payments, and that more realistic orders would lead to more regular payments and a better connection between the fathers and the children.

The Committee identified lack of knowledge by the court that the payer already has existing orders for support as one factor contributing to excessive orders. Wisconsin's percentage standard provides a reduction in the appropriate order if the payer owes support for other children, but courts are sometimes unaware of these other children. Generally, cases involving multiple families are brought to court by the child support agencies, which do have the ability to provide the court with information about other orders in the Kids Information Data System (KIDS), and may be able to provide information about the existence of an order in another state.



State of Wisconsin  
2001-2002 LEGISLATURE  
2003-2004

2018/PI  
LRB 51847  
PJK:.....  
KMG

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON  
(9-6)

for court

1 AN ACT; relating to: including information about ~~the~~ support orders in the  
2 petition in an action affecting the family.

**Analysis by the Legislative Reference Bureau**

Current law specifies certain information that must be included in a petition in an action affecting the family, such as a divorce, paternity action, or action to enforce or revise an order issued in a divorce. This bill requires a petition in an action affecting the family to indicate whether either of the parties is obligated to pay child or family support under a judgment or order issued by a court and, if so, the name of the court and the amount of support owed under the judgment or order.

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

3 SECTION 1. 767.085 (1) (dm) of the statutes is created to read:  
4 767.085 (1) (dm) Whether either of the parties is obligated to pay child or family  
5 support under a judgment or order issued by a court and, if so, the name of the court  
6 that issued each judgment or order and the amount of child or family support owed  
7 under each judgment or order, if known.

8 (END)

Insert A

**2001-2002 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-5184?ins  
PJK:.....

**INSERT A** ✓

**SECTION 1. Initial applicability.**

(1) This act first applies to petitions filed on the first day of the 2nd month beginning after the effective date of this subsection.

**(END OF INSERT A)**

**STATUTORY LANGUAGE REQUEST**  
**2003-05 BIENNIAL BUDGET**

**TOPIC:** Notification of Multiple Child Support Orders  
**TEAM:** EDUC  
**ANALYST:** Fath  
**AGENCY:** DWD  
**NUMBER:** 445

468 - 18

BRSO189

**Date:** October 14, 2002  
**To:** Steve Miller, LRB  
**From:** Erin Fath, DOA  
**Subject:** Statutory Language Request

DWD request 5603-STAT#10: Notification of Multiple Child Support Orders

Attached is a request for a statutory language change that DWD submitted to LRB prior to submitting it biennial budget request to DOA.

**LRB-0018/P1** was included with this request as part of DWD's biennial budget submission to DOA.

I am submitting this request now to get it into DOA's statutory language tracking system as a DOA statutory language request item.

If you have any questions, please call me at 6-8219, or send me an email at: [erin.fath@doa.state.wi.us](mailto:erin.fath@doa.state.wi.us).

Thank you.



## STATUTORY MODIFICATIONS

Department of Workforce Development  
2003-2005 Biennial Budget Request

**DIN Number:** DIN5603STAT#10

**Topic:** Notification of multiple child support orders

**Description of Change:**

Amend s. 767.085 to require the petition for support to specify whether either of the parties in an action to establish support is obligated to pay child or family support under any judgments or orders issued by a court and, if so, the name of the court that issued each judgment or order and the amount of child or family support owed under each judgment or order, if known.

**Justification:**

Members of the DWD Child Support Guidelines Advisory Committee were concerned that low-income fathers are sometimes ordered to pay child support in amounts that exceed their ability to pay. These members believed that some fathers faced with excessive orders make no voluntary payments, and that more realistic orders would lead to more regular payments and a better connection between the fathers and the children.

The Committee identified lack of knowledge by the court that the payer already has existing orders for support as one factor contributing to excessive orders. Wisconsin's percentage standard provides a reduction in the appropriate order if the payer owes support for other children, but courts are sometimes unaware of these other children. Generally, cases involving multiple families are brought to court by the child support agencies, which do have the ability to provide the court with information about other orders in the Kids Information Data System (KIDS), and may be able to provide information about the existence of an order in another state.

2003

Date (time) needed SOON (10-15)

LRB-0018 / 1

**DOA BUDGET DRAFT**

*(converted from DWD draft)*

JK : KMG

Use the appropriate components and routines developed for bills.

>>FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION<<

AN ACT ... [DO NOT generate catalog]; relating to: the budget. ....

.....  
.....

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ..... create → anal: → title: → head

For the subheading, execute: ..... create → anal: → title: → sub

For the sub-subheading, execute: ..... create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ..... create → anal: → text

head Health and <sup>human</sup> ~~social~~ services

sub Other health and human services

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

SECTION #.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-0018/7  
PJK:kmg:pg

*minimum*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 767.085 (1) (dm) of the statutes; relating to: including  
2 information about support orders in the petition in an action affecting the  
3 family.

*Analysis by the Legislative Reference Bureau*

→ Current law specifies certain information that must be included in a petition in an action affecting the family, such as a divorce, paternity action, or action to enforce or revise an order issued in a divorce. This bill requires a petition in an action affecting the family to indicate whether either of the parties is obligated to pay child or family support under a judgment or order issued by a court and, if so, the name of the court and the amount of support owed under the judgment or order.

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

4 SECTION 1. 767.085 (1) (dm) of the statutes is created to read:  
5 767.085 (1) (dm) Whether either of the parties is obligated to pay child or family  
6 support under a judgment or order issued by a court and, if so, the name of the court  
7 that issued each judgment or order and the amount of child or family support owed  
8 under each judgment or order, if known.

1  
2  
3  
4

**Section 2. Initial applicability.**  
(1) This act first applies to petitions filed on the first day of the 2nd month

→ Insert 2-2

beginning after the effective date of this subsection.

(END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0018/lins  
PJK:kmg:pg

INSERT 2-2 ✓

- 1 (1) SECTION 9359. Initial applicability; workforce development.
- 2 (1) NOTING OTHER SUPPORT ORDERS IN PETITION. The treatment of section 767.085
- 3 (1) (dm) ✓ of the statutes

(END OF INSERT 2-2)

DOA:.....Fath – BB0189, Require support petition to include information about other support orders

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 767.085 (1) (dm) of the statutes; **relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Current law specifies certain information that must be included in a petition in an action affecting the family, such as a divorce, paternity action, or action to enforce or revise an order issued in a divorce. This bill requires a petition in an action affecting the family to indicate whether either of the parties is obligated to pay child or family support under a judgment or order issued by a court and, if so, the name of the court and the amount of support owed under the judgment or order.

---

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

2           **SECTION 1.** 767.085 (1) (dm) of the statutes is created to read:  
3           767.085 (1) (dm) Whether either of the parties is obligated to pay child or family  
4           support under a judgment or order issued by a court and, if so, the name of the court

1 that issued each judgment or order and the amount of child or family support owed  
2 under each judgment or order, if known.

3 **SECTION 9359. Initial applicability; workforce development.**

4 (1) NOTING OTHER SUPPORT ORDERS IN PETITION. The treatment of section 767.085

5 (1) (dm) of the statutes first applies to petitions filed on the first day of the 2nd month  
6 beginning after the effective date of this subsection.

7 (END)