

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 - BB0182,

Topic:

Allow service by mail for support revisions

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 09/16/2002		_____			S&L
/P1			pgreensl 09/19/2002	_____	sbasford 09/19/2002		S&L
/1	pkahler	kgilfoy	jfrantze	_____	mbarman		

<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>

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/?	pkahler 09/13/2002	kgilfoy 09/16/2002		_____			S&L
/P1	pkahler	1-10/15 kmg	pgreensl 09/19/2002	_____	sbasford 09/19/2002		S&L

FE Sent For:

J 10/16 *Sell*
10/16
<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:

Allow service by mail for support revisions

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 09/16/2002		_____			S&L
/P1			pgreensl 09/19/2002	_____	sbasford 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: stertr@dwd.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allow service by mail for support revisions

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>
FE Sent For:		1/1-9/16 kmj	9/19 PB	9/19 <END> self			

STATUTORY MODIFICATIONS

Department of Workforce Development
2003-2005 Biennial Budget Request

DIN Number: DIN56XXSTAT#3

Topic: Notice to revise child support orders

Description of Change:

Amend s. 767.027 (1) to authorize the use of regular mail to provide notice of a proposed court action to revise a child support order.

Justification:

Personal service is currently used to provide notice of a proposed court action to revise a child support order. While it is appropriate to use personal service as a due process safeguard prior to establishment of paternity and a child support order, regular mail could be used to provide notice of revision.

- Once a child support order has been established, both parents are required to notify the child support agency of any address change.
- Currently, statutes permit agencies to notify a parent by mail of an action to enforce an existing order. Due diligence requirements are specified by Administrative Rule DWD 43.03, which was issued in 1999.

Personal service is an expensive and time-consuming process. In many cases the process server is unsuccessful. Providing notice by mail is more convenient and private for the parents than the current system. In many cases, parents now come to the child support agency to pick up the papers to avoid having a sheriff or process server come to their home or workplace.

Using regular mail instead of service of process to provide notice of modification may save the local child support agencies as much as \$700,000 annually.



State of Wisconsin
2001 - 2002 LEGISLATURE

3 4

0016/ P1
LRB-5481/K
PJK: King

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
(9-6)

you cut

1 AN ACT relating to: providing notice to revise a child support order.

Analysis by the Legislative Reference Bureau

Normally in an action affecting the family, such as a divorce or paternity action, notice of the action is given by personal service, which requires a person, often a sheriff or deputy, to physically hand the summons and petition to the respondent in the action. Under current law, however, written notice of an action to enforce a child support order may be delivered, after a diligent effort has been made to ascertain the location of the respondent, to the most recent residential or employer address that the respondent has provided to the county child support agency. (Under current law, every child support order includes an order requiring both the payer and the payee to notify the county child support agency of any change in address or employer within 10 days of the change.) This bill provides that, after a diligent effort has been made to ascertain the location of the respondent, notice of an action to revise a child support order may be given in the same manner as notice of an action to enforce a child support order, by delivering written notice of the action to the most recent residential or employer address that the respondent has provided to the county child support agency.

ten

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 767.027 (1) (intro.) of the statutes is amended to read:

2 767.027 (1) (intro.) In any action under s. 767.02 (1) (i) to enforce or modify a
3 judgment or order with respect to child support, due process requirements related
4 to notice and service of process are satisfied to the extent that the court finds all of
5 the following:

6 History: 1997 a. 191.

(END)

STATUTORY LANGUAGE REQUEST
2003-05 BIENNIAL BUDGET

TOPIC: Notice to Revise Child Support Orders

ETA 16

TEAM: EDUC

ANALYST: Fath

AGENCY: DWD

NUMBER: 445

BB0182

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

DWD request 5603-STAT#3: Notice to Revise 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-0016/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.

Thank you.

STATUTORY MODIFICATIONS

Department of Workforce Development
2003-2005 Biennial Budget Request

DIN Number: DIN5603STAT#3

Topic: Notice to revise child support orders

Description of Change:

Amend s. 767.027 (1) to authorize the use of regular mail to provide notice of a proposed court action to revise a child support order.

Justification:

Personal service is currently used to provide notice of a proposed court action to revise a child support order. While it is appropriate to use personal service as a due process safeguard prior to establishment of paternity and a child support order, regular mail could be used to provide notice of revision.

- Once a child support order has been established, both parents are required to notify the child support agency of any address change.
- Currently, statutes permit agencies to notify a parent by mail of an action to enforce an existing order. Due diligence requirements are specified by Administrative Rule DWD 43.03, which was issued in 1999.

Personal service is an expensive and time-consuming process. In many cases the process server is unsuccessful. Providing notice by mail is more convenient and private for the parents than the current system. In many cases, parents now come to the child support agency to pick up the papers to avoid having a sheriff or process server come to their home or workplace.

Using regular mail instead of service of process to provide notice of modification may save the local child support agencies as much as \$700,000 annually.

2003

Date (time) needed

SOON (10-15)

LRB-0016 / 1

DOA BUDGET DRAFT

(converted from DWD)

PJK : King :

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 human services
sub -> other health and human services

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

SECTION #.



v m is run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to amend 767.027 (1) (intro.) of the statutes; relating to: providing
2 notice to revise a child support order.

Analysis by the Legislative Reference Bureau

Normally in an action affecting the family, such as a divorce or paternity action, notice of the action is given by personal service, which requires a person, often a sheriff or deputy, to physically hand the summons and petition to the respondent in the action. Under current law, however, written notice of an action to enforce a child support order may be delivered, after a diligent effort has been made to ascertain the location of the respondent, to the most recent residential or employer address that the respondent has provided to the county child support agency. (Under current law, every child support order includes an order requiring both the payer and the payee to notify the county child support agency of any change in address or employer within ten days of the change.) This bill provides that, after a diligent effort has been made to ascertain the location of the respondent, notice of an action to revise a child support order may be given in the same manner as notice of an action to enforce a child support order, by delivering written notice of the action to the most recent residential or employer address that the respondent has provided to the county child support agency.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0016/1
PJK:kmg:jf

DOA:.....Fath – BB0182, Allow service by mail for support revisions

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

Normally in an action affecting the family, such as a divorce or paternity action, notice of the action is given by personal service, which requires a person, often a sheriff or deputy, to physically hand the summons and petition to the respondent in the action. Under current law, however, written notice of an action to enforce a child support order may be delivered, after a diligent effort has been made to ascertain the location of the respondent, to the most recent residential or employer address that the respondent has provided to the county child support agency. (Under current law, every child support order includes an order requiring both the payer and the payee to notify the county child support agency of any change in address or employer within ten days of the change.) This bill provides that, after a diligent effort has been made to ascertain the location of the respondent, notice of an action to revise a child support order may be given in the same manner as notice of an action to enforce a child support order, by delivering written notice of the action to the most recent residential or employer address that the respondent has provided to the county child support agency.

