

### Fiscal Estimate - 2003 Session

Original       Updated       Corrected       Supplemental

LRB Number <b>03-2797/1</b>		Introduction Number <b>AB-624</b>	
<b>Subject</b> Statute of limitation for action to collect child support			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input checked="" type="checkbox"/> No State Fiscal Effect			
<input type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input checked="" type="checkbox"/> No Local Government Costs			
<input type="checkbox"/> Indeterminate			
1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village <input type="checkbox"/> Cities	
<input type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
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## Fiscal Estimate Narratives

DWD 11/7/2003

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<b>Subject</b> Statute of limitation for action to collect child support		

### Assumptions Used in Arriving at Fiscal Estimate

#### ASSUMPTIONS USED IN FISCAL ANALYSIS

This bill codifies previous interpretations of the statute of limitations applying to actions to enforce child support orders. In a recent decision, the Wisconsin Supreme Court in *State v. Hamilton*, determined that the 20 year limitation on the enforcement of judgments applies to independent actions to collect child support.

Prior to the *Hamilton* decision, the limitation period had been interpreted as being 20 years from the date the youngest child reached the age of majority. *Hamilton* defined the limitation period as being 20 years from the date of judgment. That effectively means that the clock is ticking on enforcement of many child support obligations long before they are even due. It appears that the decision in *Hamilton* applies only to independent actions. It is unclear whether the court's decision in *Hamilton* extends to motions to enforce child support orders brought as a part of an underlying divorce or paternity action. The Department has interpreted the decision as not applying to these types of actions.

However, the court could render a different interpretation in subsequent litigation. If this bill is passed, there are no new costs or lost revenue. That is, all the state's current child support policies, practices and procedures are based on the previous interpretation of the statute of limitations. These include a variety of automated features in the KIDS (Kids Information Data System), the system that tracks all child support owed to families with Wisconsin orders and to the federal, state and local government and has automated administrative enforcement features to increase child support collected.

### Long-Range Fiscal Implications

None if this bill is passed.