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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)

Patti Seger, WI Coalition Against Domestic Violence, Madison

March 11, 2004

Failed to pass pursuant to Senate Joint Resolution 1.

David Matzen
Committee Clerk

Representative Steve Kestell
Room 17 West
State Capitol
P.O. Box 8952
Madison 53708

April 17, 2003

Representative Kestell:

We sincerely appreciate your support of fathers and children by your sponsorship of AB 250. I wanted to provide you with the same documentation that I am providing for those committee members who did not sponsor AB 250.


As a member of the 2003 Wisconsin Assembly Committee on Children and Families, you are being called upon to evaluate possible child support guideline changes. I urge your support of AB 250.

AB 250 establishes a new method of calculating child support order in Statute. It requires the court to consider the income of both parents and will make child support orders more consistent with realistic economic needs of children and awards in other states. In shared placement cases it considers and provides for the economic needs of the children with both parents. In serial families it provides a similar amount of funds for all children of parents, regardless of their birth order.

AB 250 ensures the constitutional rights of the children and the parents and ensures compliances with 45 CFR 302.56.

Please find attached documentation addressing and supporting all the above issues.

Thank You



Andrea Laack
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Wisconsin Legislation for Kids and Dads

The Legislature needs to look at the existing DWD 40 Guidelines, the Proposed DWD-40 Administrative Rule change and AB 250 in light of two questions.

**Do they meet the established intent as outlined in Wisconsin Statutes?
Do they meet Federal Guidelines?**

The established intent of the Guidelines can be found in Statute.

"The standard is based on the principal that a child's standard of living should, to the degree possible, not be adversely affected because his or her parents are not living together... The standard determines the minimum amount each parent is expected to contribute to the support of their children. It expects the custodial parent shares his or her income directly with the children." Preface to Chapter DWD 40

"Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses." Wis. Stat. 765.001(2)

"Each parent has an equal obligation to support his or her minor children" Wis. Stat. 49.90(1m)

The intent clearly establishes that support of one's minor children is the equal obligation of both parents.

Federal Guidelines can be found in 45 CFR 302.56.

"(e) The State must review, and revise, if appropriate, the guidelines established under paragraph (a) of this section at least once every four years to ensure that their application results in the determination of appropriate child support award amounts."

"(h) As part of the review of a State's guidelines required under paragraph (e) of this section, a State must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviations from, the guidelines. The analysis of the data must be used in the State's review of the guidelines to ensure that deviations from the guidelines are limited."

Do they meet the established intent as outlined in Wisconsin Statutes?

Current DWD 40 and Proposed DWD Administrative Rule change:

- In higher income families, where the combined income of both parents exceeds \$50,000 per year, the application of DWD 40 child support standards results in defining child support obligations which exceed the normal child related expenses. This creates a situation where the non custodial or lesser custodial

parent incurs a much higher child support obligation and allows the greater placement parent to escape their equal obligation to contribute to the support of the child. This mechanism acts as built in hidden maintenance to the primary placement parent and provides an unrealistic economic incentive for a parent to seek primary placement. The proposed DWD Administrative Rule Change only allows for reduction based on Payer's gross income over \$100,000 and does not take into consideration the Payee's income. The proposed DWD Administrative Rule Change will allow for reduced percentages for low income payees. This will provide insufficient funds for support of children in low income families and further dependency on the welfare system.

- The Guidelines also do not take into account the large tax-related child cost offsets the custodial parents receives. Custodial parents typically receive \$200-\$300 per month in extra after-tax income just for having custody. These child-related tax benefits are head of household status, child exemptions, child tax credits, child care credits and earned income credits. Both parents are equally entitled to the cost offsets attributable to the same children, but in proportion to their obligation. Not sharing the child-related tax benefits violates equal protection. Not sharing the tax benefits with both parents is an extraordinary benefit for the custodial parent and an extraordinary burden for the non custodial parent.
- The Guidelines do not take into account custodial parent income except in shared placement. The presumptive child support award does not vary with family income - only obligor income. This is not economically rational and violates equal protection.

Proposed AB 250:

- At all income levels the combined income of both parents is included in calculations of appropriate child support awards. For combined gross monthly income of \$4,000 or less the percentages in the current DWD 40 apply. For combined gross monthly income of over \$4,000 a formula which takes into account current costs of raising a child are applied according to the proportion of his or her income in relation to the combined total incomes.
- Tax related child offsets are included in the formula for determining the appropriate child support.
- Gross monthly income of both parents are used in the calculations.
- AB 250 provides offset for the support of any other children that a parent has an obligation to support.

Clearly, the current DWD 40 Guidelines, nor the Proposed Administrative Rule Change, meet the intent of Wisconsin Statutes.

The proposed AB 250 does meet the intent of Wisconsin Statutes.

Do they meet Federal Guidelines?

Current DWD 40:

History

The underlying study "On Measuring the Cost of Children" by Jacques van der Gaag that the current Guidelines are based on was only intended for recovering welfare payments made to a custodial parent. The study assumed that the custodial parent did not work and the noncustodial parent had no visitation. The study specifically stated that it was not designed for annual incomes above \$12,000 (1982 dollars) or \$22,023 (2001 dollars). It was never intended or designed for use in general child support cases. In it's rush to comply with the Family Support Act of 1988, the Wisconsin legislature delegated guideline authority to the Wisconsin Department of Health and Social Services which in turn administratively chose to use welfare percentages in non-welfare cases.

In 1987 the federal government recommended in it's "Development of Guidelines" manual against using the Wisconsin model because it did not take into account the incomes of both parents, nor did it provide for subsistence needs of each parent. It also stated the effect of the Wisconsin model was "contrary to the economic evidence on child rearing expenditures".

All current economic studies show that at combined family incomes of greater than \$50,000, current child support percentages in Wisconsin exceed the cost of raising children and contain a mechanism for hidden alimony.

A comparison of awards based on actual child costs with presumptive award shows the presumptive award typically is double or more than the economically appropriate award.

The current DWD 40 formula, when applied in above average income families, is not based on any economic data related to these families.

Proposed DWD Administrative Rule Change:

Excerpts from the Child Support Guidelines Review Advisory Committee Report to the Department of Workforce Development.

From the Dissenting Report:

2. At the 9/24/01 meeting, Dr. Williams, a nationally known expert in the establishment of child support awards, during a four hour presentation to the committee concluded, **"At higher income levels (\$2,500-\$3,000) per month net income, the percentage amounts per child (in Wisconsin) cannot be justified by current child rearing studies."**
3. At the 10/31/01 meeting, Jan Raz presented economic data, case data, and approaches used by other states, which demonstrated that the use of the current percentage standard in families where the combined annual gross income of both parents exceed \$50,000, exceed the amounts spent on children in intact families

and how this allows the parent that receives the child support order to escape his or her obligation.

9. At the 1/10/02 meeting, DWD staff attorney Connie Chesnick, who played a key role in setting up the current child support formula in 1987, who has been educating the Wisconsin legal community on and defending the current formula since 1987, and who played a major role in selecting the members of this policy review committee, urged the committee to disregard the economic data and to continue to ignore the income of the primary placement parent.

This clearly shows that the Proposed DWD Administrative Rule Change and the current DWD 40 do not meet Federal Guidelines. This is in direct violation of 45 CFR 302.56.

During the last year there have been two landmark Superior Court decisions in Georgia which declared Wisconsin style child support laws unconstitutional.

AB 250

Since AB 250 is based on current studies on the costs of raising children and the results of those studies are built into the formulas, it meets the Federal Guidelines as outlined in 45 CFR 302.56.

The facts clearly indicate that the current DWD 40 Guidelines and the Proposed DWD Administrative Rule change violate the intent of the Wisconsin Legislature and Federal Guidelines as outlined in 45 CFR 302.56(e)(h). Continuation of the existing Guidelines or acceptance of the Proposed DWD Administrative Rule change will allow for continuing the unconstitutional treatment of noncustodial parents and their children. It will also cause the continuance of gender based conflicts since 90% of the parents who benefit from this hidden maintenance in excessive child support awards are female.

The passage of AB 250 would have the added benefit of reducing the out of control divorce rate by removing the current financial windfalls available to custodial parents. If the financial windfalls obtained by gaining primary custody are removed there will be less custody battles resulting in less litigation and less emotional damage to the children.

I urge your support of AB 250.



JAMES EVENSON
Chief Judge
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Baraboo, WI 53913-2496
Telephone: (608) 355-3218

STATE OF WISCONSIN

SIXTH JUDICIAL DISTRICT

2957 CHURCH STREET, SUITE B
STEVENS POINT, WISCONSIN 54481-5210

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June 18, 2003

Representative Steve Kestell
Committee on Children and Families
Box 8952
Madison, WI 53708

Senator David Zien
Committee on Judiciary, Corrections, and Privacy
Box 7882
Madison, WI 53707

RE: AB 250 and SB 156

Dear Rep. Kestell and Sen. Zien:

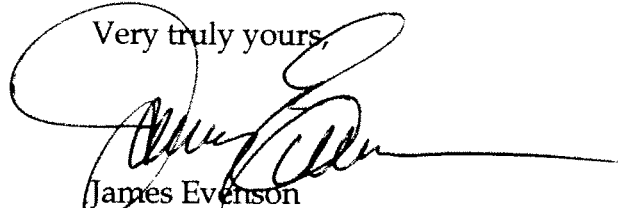
I am writing to you on behalf of the Committee of Chief Judges regarding AB 250 and SB 156, relating to calculation of child support.

AB 250 sets out formulas for calculating support in four situations: primary placement, shared placement, third-party placement, and split placement. It creates different percentage standards at three different levels of income: joint incomes under \$4,000 per month, joint incomes between \$4,000 and 20,000, and joint incomes over \$20,000 per month. It appears that the overall effect of this approach is to reduce the level of support available to children in middle and upper income families.

We do not believe that the administrative rule should be repealed in favor of an entirely new method of child support calculation. Last year the Department of Workforce Development convened a committee representing many diverse viewpoints to study data on the needs of children and families. All these issues were debated. The rule that emerged has undergone extensive public review and revision, and a general consensus has been reached. The proposed DWD rule appears to be a balanced approach to the many kinds of cases that present themselves. We believe this rule should be allowed to go into effect and given a chance to work.

Our committee appreciates your commitment to the complex issue of child support. I hope you find our comments constructive in your efforts to maintain effective and pragmatic child support policy. Thank you for considering our committee's comments.

Very truly yours,



James Evenson
Chair, Child Support Subcommittee

JE/jl

6-19

Dear Steve,

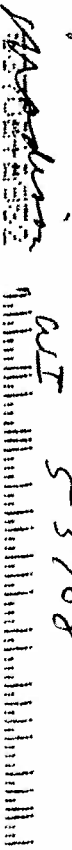
Please vote in favor of the AB250 bill which would create a new system of calculating child support in Wisconsin that would result in fairer child support awards. Wisconsin has been out of line with what other near by states have been awarding in recent years. Give over paying non primary placement parents a chance to have sufficient funds to support their children when living with them.

Sincerely,
Tom Hansen

Tom Hansen
5003 W. Jackson Ph. Dr
Niles, VI 53219



Steve Keatell
Children & Families Committee
State Hospital
PO Box 8952
Wauwatessa WI 53228





Michael C. Milliren

Certified Public Accountant

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June 22, 2003

Representative Steve Kestell
Children and Families committee
State Capitol
PO Box 8952
Madison, WI 53708

RE: AB 250, Child Support Reform

Dear Representative Kestell,

I cannot appear personally at the hearing on Thursday, June 26th, but feel compelled to write to you expressing my support for AB 250. The current method of calculating child support is not fair as I will explain. It affects many of my clients and has affected me personally. I would no longer benefit much personally, if this proposed legislation became reality, as the youngest of my three children is now just about age 16. However, I still feel strongly that an injustice needs to be corrected. The current child support calculation system –

- Does not consider that my child spends 20% of his time with me. The current system awards his mother, my ex-spouse, as if he spent 100% of his time with her.
- Does not consider the income of his mother. Child support should be the responsibility of BOTH parents.
- Does not consider what it realistically costs to support a child for a year. Last year, I paid \$18, 415 in direct child support payments (for the 80% of the time with his mother) plus paying his medical expenses.
- No accounting is required as to how the child support money is actually spent.

Anyone in a position to observe knows that nowhere near \$18,415 was spent on behalf of my son while in my ex-spouses care and that much of that money was spent on her personal pleasures. To add insult to injury, my employer is allowed to take an additional service charge of \$3 per paycheck for withholding and sending in child support to the trustee. This does not happen with any other type of withholding! Finally, the trustee takes an additional \$35 fee each year from guess who – the payer.

At higher than average income levels, our current child support calculation method makes child support DISGUISED MAINTENANCE. This is wrong! AB 250 corrects most of the problems with the current system and should approved by your committee. Please feel free to contact me.

Sincerely,



Michael C. Milliren



Matzen, David

From: Kestell, Steve
Sent: Monday, July 14, 2003 10:37 AM
To: Matzen, David
Subject: FW: Assembly Bill 250



Paul_Hudson.vcf

Dave, I have responded with a brief email explaining the hearing that is scheduled and told him that I would forward this to you so that you can let him know about any possible changes to the schedule etc. Maybe you could send a short email and offer your assistance.

Steve

-----Original Message-----

From: Paul Hudson [mailto:PaulH@performainc.com]
Sent: Monday, July 14, 2003 8:15 AM
To: rep.kestell@legis.state.wi.us
Subject: Assembly Bill 250

Representative Kestell,
I am writing this email to urge you to schedule Assembly Bill 250 for a public hearing, if it hasn't been done already. I am also including a short story about my situation and email that I have sent to Rep. Musser and Rep. Montgomery.

I was interested to find out the current status of Assembly Bill 250 and if there is anybody else that I could contact if it would help? I think that my situation would be the perfect example of why this bill needs to be approved. I have done quite a bit of reading about it lately and am very interested in learning more about what I can do. I know that you are a very busy man, but if you have the time to read a little about my story, I would appreciate it.

I have been divorced since 1999 with one daughter named Taylor from that marriage. She is 9 years old and has been diagnosed with Asperger Syndrome. If you are not familiar with that illness, it is essentially a high-functioning form of Autism. She is very smart, for her age, but has difficulties in some social behaviors or situations. She does very well in school with the help of the Individualized Education Program, but has required less of the schools counselors, etc. in the past two years. I currently have her from Friday afternoon to Monday morning every other weekend and also every Tuesday overnight. I have wanted (for two years now) to have her on a 50/50 basis, but the courts do not want to change the current placement schedule. This is frustrating to me because I want to spend more time being her father, but can't because people do not want things to change for her. What ever happened to the courts wanting the fathers to be more involved?

The child support situation is even more frustrating. I have always been up to date and on time with my child support. I currently pay \$508 a month child support, but also have to pay 36% of all other variable expenses because I have her 36% of the time. It results in having to pay roughly \$650 a month. I currently take home only \$1600 a month myself. One of my biggest questions is: Who is paying for Taylor's food, shelter, clothing, etc. when she is with me? I am. So I am not only paying child support, I am also having to take care of all of the other expenses that occur when she is with me. I also have another daughter (Skyler) with my fiancé (Brenda) that I am currently living with. I also have to support Skyler. How does

the state expect that to happen when I can barely make things work without that happening? It is currently not taken into account that I have other children to support, besides myself. It is also not taken in account that her mother is also working a full-time job and makes about the same, if not more, than I am. If I were to have Taylor at least 40% of the time, then her mother's income is also figured into the equation. Why wait until then? Shouldn't that be done already? I have figured that I am paying her mother's mortgage on her house with my child support payments. I can't imagine not having a mortgage to pay and only have to take care of the rest of the expenses. I realize there are a lot of expenses, but I am also having to pay those same expenses, without the help. I am 34 years old making \$18.50/hour in a professional career and I have to worry about living from paycheck to paycheck. That is ridiculous. I am not a lavish spender and I don't have a lot of "toys" or things that I really don't need. I cannot afford to. I have had to sell a lot of my things just to live day to day and pay bills. It's not fair to Taylor, Skyler, Brenda or myself. Nobody is benefitting from this situation, other than Taylor's mother. I can barely even afford to pay the attorney fees that I have to keep my head above water.

If you can let me know that status of Assembly Bill 250 and anything else I can do, or somebody to tell my story to, it would be greatly appreciated. Also let me know if you would like more information. Thank you for your time.

Paul Hudson
2033 Hilltop Drive
Green Bay, WI 54313

Paul Hudson
Job Captain
Performa, Inc.
301 N. Broadway
Depere, WI 54115
920-336-9929



James J. Novak

July 16, 2003

Rep. Kestell
Chair, Committee of Children and Families
PO Box 8952
Madison, WI 53798

Testimony: AB250/SB156

Dear Rep. Kestell

As I will not be able to attend the public hearing on Child Support bill AB 250/SB156 scheduled for August 7, 2003, I submit my support for the bill in writing. Will you please distribute my testimony to other committee members?

Wisconsin passed legislation changing physical placement effective in May 2000. At the time it seemed inappropriate to change the statutes and DWD 40 for fear that non custodial parents would be accused of shirking child support by simply asking for their right to enjoy parenting their children on an equal basis.

Simply put, Wisconsin's child support rule DWD 40 is "sexist" and reflects the historical notion that mothers are the stay-at-home providers of care to children and fathers work outside the home to provide monetary support. These are stereotypes which have quickly vanished in the past 20 years as more than 70 % of all women work outside the home but 90% of younger women of child bearing age.

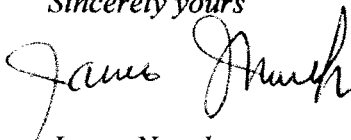
We surely know the above are stereotypes when I heard one Dane County male judge at 4:30 PM say in court that the parties only have 10 more minutes because he had to leave to pick up his children at day care. We know that these are stereotypes when an executive friend of mine told me, as his largest Wisconsin customer, that he could not have a drink with me because he had to attend his daughter's volleyball game in Wausau.

Simply put these bills allocate more fairly the incomes of both mothers and fathers to reflect the amount of time the children are actually living with each parent, making sure that children have income to live somewhat equally in each household, and trying to uphold the principle that child support is for children and not a new form of providing a transfer of income after the marriage has ended(alimony).

AB 250 while not perfect(what bill ever is) moves in the right direction in providing children with more equitable income in both mom's and dad's homes and allocates income to each parent in relation to the timewhen they have obligations to nurture and care for their children. This appears to be sound state policy to provide children with a bridge to adulthood.

AB 250 and SB 156 reflect the changing roles on men and women, moms and dads in Wisconsin. It does not create new trails but reflects the changes which have already occurred in the parenting patterns in Wisconsin.

Sincerely yours


James Novak



Joseph C. Vaughn
6909 N. Co. Rd. M # 35
Evansville, WI 53536
July 21, 2003

To the Legislature
Re.: AB250 & SB156

I'm writing to promote the passage of Assembly Bill 250 and Senate Bill 156, the current child support reform proposals in the state legislature. I urge every lawmaker to bring the gender-balance and the economic realism in these Bills to our family law system as soon as possible.

In broken families, for too many years our laws have been based on biased, arrogant mentality that prefers one parent over the other in child custody competition, only requires one parent to work and declare income in support of their children, and offers imbalanced, unrealistic financial awards to the parent who "wins" their custodial parent status in the courts. This policy only perpetuates the inherent gender-imbalance in family law that prefers mothers and treats fathers like disposable parents; it sends a message to today's children, and tomorrow's adults, that in family failures, one parent is favored and as such, is entitled to a leisurely lifestyle based largely on the other parent's enforced support obligation. Also, present law has no proven preference in the material support of children; two parents, both working and reporting their full income in the child support formula contribute much more to quality life in each household than one parent paying inflated amounts in support to the custodial parent.

These proposals are well researched in terms of fairness between parents in dispute, consistency of application in the categories of legal decision-making, and realistic cost-of-living requirements for the raising of children at all parental income levels.

It's time for our legal system to begin serving the social and economic realities of our present-day families, whether in paternity cases, divorce, never-married or blended family parenting lifestyles.

By supporting these proposals, legislators have the opportunity to prove that Wisconsin really is progressive in adapting our laws to serve the changing nature of the family, and above all, to support the best interest of our children in providing fair, balanced financial resources for all parental households in non-traditional families.

Sincerely,



Joseph Vaughn



July 22nd, 2003
Public Hearings on CR03-22
Bryan Holland, Monroe WI
on behalf of Legislation for Kids and Dads
<http://www.wisconsinlkd.org>

Shared Placement

We are in favor of the recommendations to the shared placement formula. As you are aware this formula would be applied in cases where both parents have placement at least 25% of the time. It is good to see that the department has reached an understanding that both parents incur expenses directly proportional to the time they care for the child. 25% placement indicates that a parent is taking a significant role in raising their child (or children).

However, the department should make this a **presumptive** rather than a **discretionary** application. They can accomplish this by changing the word "may" to "shall." One of the goals of the child support guideline review committee was "to **have predictability and uniformity.**" A discretionary formula does not accomplish this. A discretionary formula will only encourage litigation, and be prone to abuse of judicial discretion.

Low income provision

The low income provision is much improved over the original proposal; however, not significantly different than the existing standard. We feel that the best approach would be to only consider **actual** rather than **imputed** income. The court should still be able to impute income, if a person was shirking, or order them to find work if they are able. You simply can't collect child support on income that someone doesn't have. Imputing non-existent income only creates high arrearages that don't benefit anyone.

High Income provision

Rather than considering only the top 1% of payers, the department should consider a formula, that considers total family income for families where both parents have the means to be financially responsible.

For high income payers the department originally recommended no changes to the existing formula unless the payers income is greater than \$150,000 /year. If we calculate support awards with the existing percentages, at \$150K/yr income under the current formula, child support would be \$37,500 a year for two children. This is a pretty comfortable wage for not working. At \$102,000/yr, the support award would be \$25,500. This is still well above what would be used for child related expenses. But more importantly, what about the other parents income?

At 50,000 a year, a payer would pay \$12,500 a year. Subtract this amount from their after tax earnings, and health insurance, and that person might be living on roughly \$25,000 a year. Now the importance of the other parents income become very important. If the other parent makes \$18,000 a year, one could argue that this support is justified; however, if they make \$100K/yr, then you have one parent barely scraping by, and the other parent living a lavish lifestyle.

Hopefully, everyone understands that it takes two parents to make a child. Two people are equally responsible for the decision to make that child. So, it stands to reason, that both parents should assume responsibility if they chose not to be together. This is especially important in divorce cases. The concept of no fault divorce, as the name would imply, is that we don't find fault in a divorce action. No fault means equal responsibility. No fault divorce was created to remove the adversity from divorce. Well, of course the adversity stayed, and divorce became much more popular. No fault divorce quickly evolved into "Dad's fault divorce." The preface of DWD 40 states that the "child's standard of living should, to the degree possible, not be adversely affected because his or her parents are not living together." Even though, when you double the expenses, this becomes a mathematical impossibility. The solution, unfortunately, is to decimate the father.

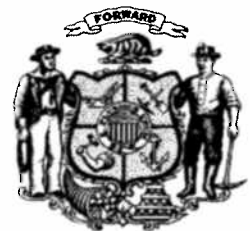
But why is this really important? Because this creates a **financial incentive** to destroy families. Children in two parent homes, even if those homes are less than perfect, do better in every area of measurement, by a huge margin over children from single parent homes. When we offer huge financial incentives to be a single parent, we devalue two parent families, and encourage family separation. The custodial parent gets all the benefits of marriage (support and protection), without the **responsibility** of marriage (joint decision making). Furthermore, by giving all of the financial resources of the family to one person, there is no guarantee that the child's needs will be met. The problem is that **child support that is above the necessary costs to care for that child does not benefit the child, so much as it benefits the custodial parent.** There seems to be an assumption, that all money that goes to the custodial parent, will always benefit the child, and that all money kept by the non-custodial parent will not. There is no guarantee that money that goes to the custodial parent will enhance the child's lifestyle. Even if that money directly benefits the child in one home, the child still loses, because they don't see the benefit in both homes.

Frequently, I hear from fathers that are envious of their child's trips to Disney World, when they can't even afford to take their children to the county fair. Another example, that I have heard mentioned at previous hearings, is college tuition. Kids from non-intact families rarely have college savings accounts, while kids in intact families frequently do. This is exactly the problem, non-intact families put all their eggs in one basket. The NCP is barely able to afford basic necessities, and certainly doesn't have any left over.

Still more tragic is what happens to children in divorce or paternity cases, when they are viewed as financial prizes. If we can only remove the financial incentives, then and only then will we look out for the real needs of children, which is to be loved and cared for.



WISCONSIN STATE LEGISLATURE



Matzen, David

From: Jan Raz [jraz@wi.rr.com]
Sent: Tuesday, July 22, 2003 6:22 PM
To: gary george; terry musser
Cc: Aaron.Schwartz@legis.state.wi.us; David.Matzen@legis.state.wi.us; dave zien; steve kestell; John.Hogan@legis.state.wi.us
Subject: amendment to SB250/SB156

In light of the interest at today's hearing on helping low income child support payers, can you please ask the LRB to draft an amendment to AB250/SB156 before the August 7th hearing that establishes a new Wis. Stat section 767.25(1p) which reads:

a. If the court finds both of the following:

1) a parent has an obligation to pay child support and/or arrears that the parent has no ability to reasonably comply or which exceeds the limits set in 15 U.S.C. section 1673 ***

2) that parent has made a reasonable effort to maximize his or her earning potential,

the court shall issue a temporary order that:

1. establishes a reasonable payment plan for that parent, based on that parent's ability to pay.

2. conditional on full compliance with this payment plan, stops the accrual of new interest charges on the arrearage, and/or reduces the amount of the future child support order from the amount defined 767.251.

b. The court shall review the criteria for and compliance with the temporary order, established under subsection(a), not less than once every two years.

Jan Raz
10120 W Forest Home Ave.
Hales Corners, WI 53130
414 425-4866 fax 414 425-8405
e-mail; jraz@wi.rr.com

NOTE:

*** 15 U.S.C. section 1673 Restriction on garnishment

(b) (2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed -

(A) where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50 per centum of such individual's disposable earnings for that week; and

(B) where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week; except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.

(c) No court of the United States or any State, and no State (or officer or agency thereof), may make, execute, or enforce any order or process in violation of this section.



July 24, 2003

Chairman Steve Kestell
17 West
PO Box 8952
Madison, Wisconsin 53708

Dear Chairman Kestell:

I contacted Senator Scott Fitzgerald's office this year regarding my divorce. They suggested I write to you directly regarding Assembly 250 DWD calculated child support and the public hearing on August 7th, 2003. I will not be able to attend this public hearing.

I support a change in child support payments to makeⁱ⁺ more fair for both families to raise their children, based on their incomes and the time the children spend with both parents. I believe, the proposed change in child support payments will help reduce the divorce rates, will reduce litigation in divorce, reduce contested placements, and result in equal placement of minor children. I also believe it may improve the placement of children so judges, guardian ad litem, and family court counselors do not continue to take the children away from the fathers in family courts in counties like Dodge and Fond Du Lac counties.

We were married 18 years with four children. My ex-wife and I are both professionals with very good incomes. However, this was a contested divorce with false allegations of child abuse, which were never true nor ever discussed with the Guardian Ad Litem or the Family Court Counselor. My ex-wife's attorney Mrs. Lisa Derr uses this tactic regularly in Dodge County to start a contested divorce. This has gone on for many years and no one has stopped her. This tactic should be illegal in Wisconsin due to the very negative emotional consequences that occurred to my children and me.

In our situation the family court system determined that both parents were fit to have shared placement. However, the family court would not recommend it immediately. I have had the children about 30% of the time for almost one year, under a temporary order. I have paid the full 29% of my gross income since February 7th 2002. In the final court, we agreed to a placement stipulation which is suppose to increase my parenting time leading to shared placement or equal placement sometime in the near future, according to the guardian ad litem.

In the final court on May 12, 2003, we requested that the Judge reduce my child support, which is \$447 per week, to help me cover my living expenses for my children and me. He declined to do that because my ex-wife's lawyer stated an appeals court ruling the does not allow a lower amount, even with our placement stipulation. My lawyer stated that the Judges do not want the other party to go to the Court of Appeals and have their orders changed. (I wonder if thisⁱ part of the reason, even with a new law regarding

maximizing placement, that the Judges in our area do not rule for equal placement in contested divorces?)

The family courts in Dodge and Fond du Lac counties do not recognize nor do they follow the law passed in 1999 that states the court **shall** maximize placement of the children as long as both parents are fit and live close together. We live 3 blocks apart.

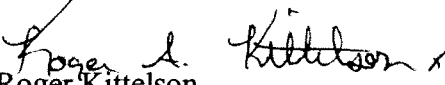
There are many fathers that have not obtained equal placement in their contested divorces and most of them have their children less than 30% in this area. It appears that the Judges follow the recommendations of the counselors and guardian ad litem, even when there is no real reason to rule for less than equal placement.

This has been the worst experience of my life and my children have been very negatively affected also. The divorce has effected in poor grades in school and negatively affected my relationship with two of my four children, during the divorce proceedings. It should have never happened in this manner. Attorneys should be responsible for their actions. They should not be allowed to use false abuse as a tactic for child support and placement and Judges should protect both parents as well as the children.

Please help reduce and eliminate the litigation that occurs due to the current child support system. Furthermore, please help eliminate the false child abuse allegations by making the lawyers responsible for reporting the truth instead of reporting false allegations in order to obtain a temporary order for maximum child support and other assets. I support changes in child support to make it more fair for all parents, which I trust assembly bill 250 will accomplish.

Furthermore, I request that the state make it mandatory for equal placement during a temporary order and when it is determined that both parents are fit to raise their children, that equal placement be the final order. A contested divorce should not be a contest.

Please seriously consider my suggestions and best regards,


Roger Kittelson
Lomira, Wisconsin
Dodge County.
920-269-1352 Work
920-269-1183 Home

CC: Senator Scott Fitzgerald
CC: Representative Carol Owens
CC: Representative Jeff Fitzgerald



July 30, 2003

Representative Steve Kestell, Chair
Committee on Children and Families
Room 17 West
State Capitol
Madison, WI 53703

Re: Proposed Revision of Child Support Guidelines, Chap. DWD 40 and AB 250

Dear Representative Kestell:

I write to call your attention to a serious problem with the "shared-placement" provision in the proposed Child Support Guidelines, Chapter DWD 40 of the Administrative Code, set by your committee for hearing on Thursday, August 7, at 10:00 a.m. I think that AB 250 which is also set for hearing at the same time has a similar provision with a similar result.

The analysis prepared by the Department of Workforce Development seems to indicate that the reason for changing the present shared-placement rule was because there was a "cliff effect" i.e. a sharp decline in the amount of support from just below or just above the amount of time at which the child support guideline begins to reduce child support. There is concern that this "cliff effect" increases litigation.

Under the present Child Support Guideline in DWD 40, the point at which child support is reduced is 31 percent and, then, 41 percent. The proposed rule would lower the point for reduction of support to 25 percent time and take into account the income of the "greater time" parent. However, contrary to the suggestion in the Department's analysis, it does NOT eliminate the "cliff effect" – in fact the amount of decrease in child support at 25 percent time is even greater in many cases than it is under the present guideline.

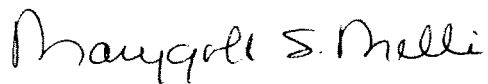
The proposed rule has another effect which I think may have been unintended. Setting the reduction in support for shared time at 25 percent time has the effect of including the majority of all child support cases because "standard visitation" (every other weekend, a day in between, two weeks in the summer and some extra holiday time) amounts to 25 percent time or more. Therefore, under the proposed Guideline the amount of child support available in the usual case becomes the amount under "shared placement". The result is to reduce the amount of

child support in the vast majority of cases. As a matter of good public policy, I would think that a proposal to reduce the amount of child support in all cases would be specially advertised, not tucked in a proposal to change child support in shared placement cases.

For your information, I am including four tables of computations done by a colleague of mine that illustrate the amounts of child support payable under the present and the proposed guideline at different parental incomes. These computations show the "cliff effect" clearly.

If you have questions, I would be happy to try to answer them. My phone is 262-1610. My email is msmelli@wisc.edu.

Sincerely,



Marygold S. Melli
Voss-Bascom Professor of Law Emerita

Enclosures

CASE 1

Greater-time Parent	Lesser-time Parent	Lesser-time Parent	Current Formula		Proposed Formula	
			at 30% Threshold		at 25% Threshold	
			Income	PCT Time	annual CS	drop in CS
\$30,000	\$30,000	24	\$5,100.00		\$5,100.00	
\$30,000	\$30,000	25	\$5,100.00	\$0.00	\$3,825.00	\$1,275.00
\$30,000	\$30,000	26	\$5,100.00	\$0.00	\$3,672.00	\$153.00
\$30,000	\$30,000	27	\$5,100.00	\$0.00	\$3,519.00	\$153.00
\$30,000	\$30,000	28	\$5,100.00	\$0.00	\$3,366.00	\$153.00
\$30,000	\$30,000	29	\$5,100.00	\$0.00	\$3,213.00	\$153.00
\$30,000	\$30,000	30	\$5,100.00	\$0.00	\$3,060.00	\$153.00
\$30,000	\$30,000	31	\$4,930.17	\$169.83	\$2,907.00	\$153.00
\$30,000	\$30,000	32	\$4,760.34	\$169.83	\$2,754.00	\$153.00
\$30,000	\$30,000	33	\$4,590.51	\$169.83	\$2,601.00	\$153.00
\$30,000	\$30,000	34	\$4,420.68	\$169.83	\$2,448.00	\$153.00
\$30,000	\$30,000	35	\$4,250.85	\$169.83	\$2,295.00	\$153.00
\$30,000	\$30,000	36	\$4,081.02	\$169.83	\$2,142.00	\$153.00
\$30,000	\$30,000	37	\$3,911.19	\$169.83	\$1,989.00	\$153.00
\$30,000	\$30,000	38	\$3,741.36	\$169.83	\$1,836.00	\$153.00
\$30,000	\$30,000	39	\$3,571.53	\$169.83	\$1,683.00	\$153.00
\$30,000	\$30,000	40	\$3,401.70	\$169.83	\$1,530.00	\$153.00
\$30,000	\$30,000	41	\$3,056.94	\$344.76	\$1,377.00	\$153.00
\$30,000	\$30,000	42	\$2,717.28	\$339.66	\$1,224.00	\$153.00
\$30,000	\$30,000	43	\$2,377.62	\$339.66	\$1,071.00	\$153.00
\$30,000	\$30,000	44	\$2,037.96	\$339.66	\$918.00	\$153.00
\$30,000	\$30,000	45	\$1,698.30	\$339.66	\$765.00	\$153.00
\$30,000	\$30,000	46	\$1,358.64	\$339.66	\$612.00	\$153.00
\$30,000	\$30,000	47	\$1,018.98	\$339.66	\$459.00	\$153.00
\$30,000	\$30,000	48	\$679.32	\$339.66	\$306.00	\$153.00
\$30,000	\$30,000	49	\$339.66	\$339.66	\$153.00	\$153.00
\$30,000	\$30,000	50	\$0.00	\$339.66	\$0.00	\$153.00

Note: "Cliff effects" are shown as Bold dollar amounts.

CASE 2

Greater-time Parent	Lesser-time Parent	Lesser-time Parent	Current Formula		Proposed Formula	
			at 30% Threshold		at 25% Threshold	
			Income	PCT Time	annual CS	drop in CS
\$30,000	\$60,000	24	\$10,200.00		\$10,200.00	
\$30,000	\$60,000	25	\$10,200.00	\$0.00	\$9,562.50	\$637.50
\$30,000	\$60,000	26	\$10,200.00	\$0.00	\$9,333.00	\$229.50
\$30,000	\$60,000	27	\$10,200.00	\$0.00	\$9,103.50	\$229.50
\$30,000	\$60,000	28	\$10,200.00	\$0.00	\$8,874.00	\$229.50
\$30,000	\$60,000	29	\$10,200.00	\$0.00	\$8,644.50	\$229.50
\$30,000	\$60,000	30	\$10,200.00	\$0.00	\$8,415.00	\$229.50
\$30,000	\$60,000	31	\$9,860.34	\$339.66	\$8,185.50	\$229.50
\$30,000	\$60,000	32	\$9,520.68	\$339.66	\$7,956.00	\$229.50
\$30,000	\$60,000	33	\$9,181.02	\$339.66	\$7,726.50	\$229.50
\$30,000	\$60,000	34	\$8,841.36	\$339.66	\$7,497.00	\$229.50
\$30,000	\$60,000	35	\$8,501.70	\$339.66	\$7,267.50	\$229.50
\$30,000	\$60,000	36	\$8,162.04	\$339.66	\$7,038.00	\$229.50
\$30,000	\$60,000	37	\$7,822.38	\$339.66	\$6,808.50	\$229.50
\$30,000	\$60,000	38	\$7,482.72	\$339.66	\$6,579.00	\$229.50
\$30,000	\$60,000	39	\$7,143.06	\$339.66	\$6,349.50	\$229.50
\$30,000	\$60,000	40	\$6,803.40	\$339.66	\$6,120.00	\$229.50
\$30,000	\$60,000	41	\$6,288.81	\$514.59	\$5,890.50	\$229.50
\$30,000	\$60,000	42	\$5,779.32	\$509.49	\$5,661.00	\$229.50
\$30,000	\$60,000	43	\$5,269.83	\$509.49	\$5,431.50	\$229.50
\$30,000	\$60,000	44	\$4,760.34	\$509.49	\$5,202.00	\$229.50
\$30,000	\$60,000	45	\$4,250.85	\$509.49	\$4,972.50	\$229.50
\$30,000	\$60,000	46	\$3,741.36	\$509.49	\$4,743.00	\$229.50
\$30,000	\$60,000	47	\$3,231.87	\$509.49	\$4,513.50	\$229.50
\$30,000	\$60,000	48	\$2,722.38	\$509.49	\$4,284.00	\$229.50
\$30,000	\$60,000	49	\$2,212.89	\$509.49	\$4,054.50	\$229.50
\$30,000	\$60,000	50	\$1,703.40	\$509.49	\$3,825.00	\$229.50

Note: "Cliff effects" are shown as Bold dollar amounts.

CASE 3

Greater-time Parent	Lesser-time Parent	Lesser-time Parent	Current Formula		Proposed Formula		
			at 30% Threshold		at 25% Threshold		
			Income	Income	PCT Time	annual CS	drop in CS
\$60,000	\$30,000	24	\$5,100.00		\$5,100.00		
\$60,000	\$30,000	25	\$5,100.00	\$0.00	\$1,912.50	\$3,187.50	
\$60,000	\$30,000	26	\$5,100.00	\$0.00	\$1,683.00	\$229.50	
\$60,000	\$30,000	27	\$5,100.00	\$0.00	\$1,453.50	\$229.50	
\$60,000	\$30,000	28	\$5,100.00	\$0.00	\$1,224.00	\$229.50	
\$60,000	\$30,000	29	\$5,100.00	\$0.00	\$994.50	\$229.50	
\$60,000	\$30,000	30	\$5,100.00	\$0.00	\$765.00	\$229.50	
\$60,000	\$30,000	31	\$4,930.17	\$169.83	\$535.50	\$229.50	
\$60,000	\$30,000	32	\$4,760.34	\$169.83	\$306.00	\$229.50	
\$60,000	\$30,000	33	\$4,590.51	\$169.83	\$76.50	\$229.50	
\$60,000	\$30,000	34	\$4,420.68	\$169.83	-\$153.00	\$229.50	
\$60,000	\$30,000	35	\$4,250.85	\$169.83	-\$382.50	\$229.50	
\$60,000	\$30,000	36	\$4,081.02	\$169.83	-\$612.00	\$229.50	
\$60,000	\$30,000	37	\$3,911.19	\$169.83	-\$841.50	\$229.50	
\$60,000	\$30,000	38	\$3,741.36	\$169.83	-\$1,071.00	\$229.50	
\$60,000	\$30,000	39	\$3,571.53	\$169.83	-\$1,300.50	\$229.50	
\$60,000	\$30,000	40	\$3,401.70	\$169.83	-\$1,530.00	\$229.50	
\$60,000	\$30,000	41	\$2,882.01	\$519.69	-\$1,759.50	\$229.50	
\$60,000	\$30,000	42	\$2,372.52	\$509.49	-\$1,989.00	\$229.50	
\$60,000	\$30,000	43	\$1,863.03	\$509.49	-\$2,218.50	\$229.50	
\$60,000	\$30,000	44	\$1,353.54	\$509.49	-\$2,448.00	\$229.50	
\$60,000	\$30,000	45	\$844.05	\$509.49	-\$2,677.50	\$229.50	
\$60,000	\$30,000	46	\$334.56	\$509.49	-\$2,907.00	\$229.50	
\$60,000	\$30,000	47	-\$174.93	\$509.49	-\$3,136.50	\$229.50	
\$60,000	\$30,000	48	-\$684.42	\$509.49	-\$3,366.00	\$229.50	
\$60,000	\$30,000	49	-\$1,193.91	\$509.49	-\$3,595.50	\$229.50	
\$60,000	\$30,000	50	-\$1,703.40	\$509.49	-\$3,825.00	\$229.50	

Notes: "Cliff effects" are shown in Bold dollar amounts.

Negative dollar amounts in the "annual CS" column indicate that the greater-time parent is the payor.

CASE 4

Greater-time Parent	Lesser-time Parent	Lesser-time Parent	Current Formula		Proposed Formula	
			at 30% Threshold		at 25% Threshold	
			Income	Income	annual CS	drop in CS
		PCT Time				
\$120,000	\$30,000	24	\$5,100.00		\$5,100.00	
\$120,000	\$30,000	25	\$5,100.00	\$0.00	-\$1,912.50	\$7,012.50
\$120,000	\$30,000	26	\$5,100.00	\$0.00	-\$2,295.00	\$382.50
\$120,000	\$30,000	27	\$5,100.00	\$0.00	-\$2,677.50	\$382.50
\$120,000	\$30,000	28	\$5,100.00	\$0.00	-\$3,060.00	\$382.50
\$120,000	\$30,000	29	\$5,100.00	\$0.00	-\$3,442.50	\$382.50
\$120,000	\$30,000	30	\$5,100.00	\$0.00	-\$3,825.00	\$382.50
\$120,000	\$30,000	31	\$4,930.17	\$169.83	-\$4,207.50	\$382.50
\$120,000	\$30,000	32	\$4,760.34	\$169.83	-\$4,590.00	\$382.50
\$120,000	\$30,000	33	\$4,590.51	\$169.83	-\$4,972.50	\$382.50
\$120,000	\$30,000	34	\$4,420.68	\$169.83	-\$5,355.00	\$382.50
\$120,000	\$30,000	35	\$4,250.85	\$169.83	-\$5,737.50	\$382.50
\$120,000	\$30,000	36	\$4,081.02	\$169.83	-\$6,120.00	\$382.50
\$120,000	\$30,000	37	\$3,911.19	\$169.83	-\$6,502.50	\$382.50
\$120,000	\$30,000	38	\$3,741.36	\$169.83	-\$6,885.00	\$382.50
\$120,000	\$30,000	39	\$3,571.53	\$169.83	-\$7,267.50	\$382.50
\$120,000	\$30,000	40	\$3,401.70	\$169.83	-\$7,650.00	\$382.50
\$120,000	\$30,000	41	\$2,532.15	\$869.55	-\$8,032.50	\$382.50
\$120,000	\$30,000	42	\$1,683.00	\$849.15	-\$8,415.00	\$382.50
\$120,000	\$30,000	43	\$833.85	\$849.15	-\$8,797.50	\$382.50
\$120,000	\$30,000	44	-\$15.30	\$849.15	-\$9,180.00	\$382.50
\$120,000	\$30,000	45	-\$864.45	\$849.15	-\$9,562.50	\$382.50
\$120,000	\$30,000	46	-\$1,713.60	\$849.15	-\$9,945.00	\$382.50
\$120,000	\$30,000	47	-\$2,562.75	\$849.15	-\$10,327.50	\$382.50
\$120,000	\$30,000	48	-\$3,411.90	\$849.15	-\$10,710.00	\$382.50
\$120,000	\$30,000	49	-\$4,261.05	\$849.15	-\$11,092.50	\$382.50
\$120,000	\$30,000	50	-\$5,110.20	\$849.15	-\$11,475.00	\$382.50

Notes: "Cliff effects" are shown in **Bold** dollar amounts.

Negative dollar amounts in the "annual CS" column indicate that the greater-time parent is the payor.



Malcolm Hatfield, MD
Jeanie Hatfield, MEPD
6937 Brook Rd.
Franksville, WI 53126
262-752-1547

8/2/2003

Mr. Steve Kestell
State Capitol
PO Box 8952
Madison, WI 53708

RE: CR03-22, the DWD 40 administrative rule change proposal, and AB 250


Dear Senator Roessler:

I am unable to attend the hearing on August 7 regarding this proposed change in child support. My husband did attend the DWD's public hearing in Milwaukee in March, 2003, and made the attached comments. The DWD completely ignored his testimony.

Malcolm's ex-wife filed for divorce in Racine County in 1993. They have a daughter named Mary who is now 14. She currently lives in Illinois with her mother, because Racine County Family Court allowed her to move. In 2000, we married. My daughter Dana is 2 years younger than Mary. Since 1993, Malcolm has been assessed \$5,123.00 per month in child support. He has paid over \$600,000.00 to date. This is paid to a physician mom for one child. He has fought a tremendous uphill battle since 1993 so that he can be a father to Mary. Each and every time he asks for more time with Mary, he is first served with a subpoena to show his tax return, with the implication that they will demand more support, and soon thereafter, another false allegation of abuse arises. Malcolm's drop off/pick up time with Mary serves as a useful time to serve him with this subpoena. On the other hand, Dana has a liberal parenting relationship. Her dad pays \$400 per month in child support. This is used for fixed expenses. Dana is well adjusted and is thriving. Mary was hospitalized in 2001 with inflammatory bowel disease. Her bone age was over 2 years delayed, and her height and weight for age were below the 5th percentile. She is committed to 2 prescription medications until she is 20 years old. She clearly needs a father and is not flourishing. What is more important to a child? Money or a father?

Ironically, the DWD recommends lowering child support for low income payers. They justify this by saying that child support serves as a wedge between children and their parents. Why isn't this true for all incomes? I would like to see the department lower the income threshold to a level more representative of just what it takes to raise a child for Wisconsin families. My husband and I support the provision of AB 250/ SB 156 for parents with combined incomes over \$4000.00 per month. We also support the DWD proposal for low income payers because we share their opinion that child support serves as a wedge between parents and their children. Please do not hesitate to contact us if you have any questions.

Sincerely,


Jeanie Hatfield, MEPD

Malcolm Hatfield, MD
Jeanie Hatfield, MEPD
6937 Brook Rd.
Franksville, WI 53126
262-752-1547

August 2, 2003

Ms Susan E. Pfeiffer
201 E. Washington Ave
E200, DWD
Madison, WI 53703

Dear Ms. Pfeiffer:

This is written to summarize my opinion given in today's public hearing regarding the DWD's child support proposed guidelines. I limited my talk solely to high income payers. I first defined high income payers as having a combined income of over \$50K per year...I defined the word combined as being both parents. I made the following 4 points:

1. There is no economic data to support their assumptions for all levels of income above the \$50k threshold. As the income of one or both parents increases, the disparity between the economic data and proposed obligation increases. In addition, the majority of States and all of our neighboring States have guidelines that are clearly different, with the disparity increasing significantly as combined income increases. There is no economic data to support this discrepancy.
2. Once a parent "wins" primary custody, there is no mandatory work provision for the custodial parent (CP) and therefore, the custodial parent with a high income non-custodial parent (NCP) is not only allowed to receive a windfall profit, but also is allowed to forgo his/her obligation to provide for their half of the financial obligation to their children.
3. The assumptions do not address the significant tax advantages that the CP has, which are especially beneficial in the high income case. This includes head of household filing status and child care credit as well as other tax breaks. High income NCP's are not allowed any of these tax advantages.
4. Lastly, there is no allowance made when the CP is allowed to move out of State for the high income NCP to voluntarily decrease his/her child support obligation when he/she must take a lower paying job to move to be close to his/her kids. High income NCP cannot obtain high income jobs anyplace or anywhere. Current proposal forces NCP's to face possible felony charges (due to federalization of child support enforcement) and deadbeat parent status merely because he/she wants to live near their kids.

I summarized my comments by stating that these and current guidelines give strong disincentive for high income parents to raise their kids in Wisconsin because they can and will lose their kids through no fault of their own. They are then forced to pay outrageous amounts of child support that is not based on economic data and is not in keeping with neighboring States. This serves as a windfall profit for the CP and harms children because the windfall profit is inversely proportional to the amount of time the kids spend with the NCP. Kids need and deserve a strong relationship with BOTH parents, regardless of income.

Sincerely,


Malcolm Hatfield, MD



Matzen, David

From: sunflower [sunflower@shadowfire.org]
Sent: Saturday, August 02, 2003 12:28 PM
To: rep.kestell@legis.state.wi.us; rep.nischke@legis.state.wi.us; sen.kanavas@legis.state.wi.us
Subject: AB250 Hearing Testimony

Assembly Committee on Families and Children
AB250 Hearing Testimony

Since I will not be able to attend the Committee hearing on AB250 I would appreciate the following comments be distributed to committee members. I am a representative of Wisconsin Women for Equality in Family Law and Wisconsin Fathers.

Wisconsin courts in Parrett v. Parrett (Ct. App. 1988), Huber v. Huber (CT. App. 1990), and Nelson v. Candee (CT. App. 1996) have found the presumptive application of the percentage standards in high income families to be irrational, absurd, and maintenance in the guise of support.

Current child support guidelines dramatically exceed the cost of raising children, are high discriminatory, allow for maintenance disguised as child support in above average income families and prevent many noncustodial parents from exercising placement time because they are left with below poverty level income after paying child support and are allocated 0% of child support monies for the care of their children during placement periods.

AB250 is based on established economic data for raising children which would allow for Wisconsin to no longer be in violation of Federal law.

AB250 considers the income of both parents and provides adequate funds to both parents to raise their children. All current studies indicate that children need both parents. Children should not be denied the care and love of a noncustodial parent because existing child support laws do not allow the noncustodial parent funds to support their child during placement periods.

AB250 provides similar treatment of children regardless of birth order. Discrimination of children based on birth order only hurts children.

Current child support laws encourage divorce by allowing for unjust financial rewards for divorcing by allowing excessive child support awards and maintenance in the guise of support. Current law also encourages treating children as financial trophies to be won or lost in custody battles. By eliminating maintenance disguised as support and making child support awards based on the cost of raising children, the extensive litigation for custody battles will be dramatically reduced.

I urge your support of AB250. The State of Wisconsin and this Legislature needs to put the emotional and psychological welfare of children ahead of financial incentives.

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August 2, 2003

Representative Steve Kestell
Children and Families committee
State Capitol, PO Box 8952
Madison, WI 53708

RE: AB 250, Child Support Reform

Dear Representative Kestell,

I cannot appear personally at the hearing on Thursday, August 7th, but feel compelled to write to you expressing my SUPPORT FOR AB 250. The current method of calculating child support is not fair as I will explain. It affects many of my clients and has affected me personally. I would no longer benefit much personally, if this proposed legislation became reality, as the youngest of my three children is now just about age 16. However, I still feel strongly that an injustice needs to be corrected. The current child support calculation system –

- Does not consider that my child spends 20% of his time with me. The current system awards his mother, my ex-spouse, as if he spent 100% of his time with her.
- Does not consider the income of his mother. Child support should be the responsibility of BOTH parents.
- Does not consider what it realistically costs to support a child for a year. Last year, I paid \$18, 415 in direct child support payments (for the 80% of the time with his mother) plus paying his medical expenses.
- No accounting is required as to how the child support money is actually spent. Anyone in a position to observe knows that nowhere near \$18,415 was spent on behalf of my son while in my ex-spouse's care, and that much of that money was spent on her personal pleasures. To add insult to injury, my employer is allowed to take an additional service charge of \$3 per paycheck for withholding and sending in child support to the trustee. This does not happen with any other type of withholding! Finally, the trustee takes an additional \$35 fee each year from guess who – the payer.

At higher than average income levels, our current child support calculation method makes child support DISGUISED MAINTENANCE. This is wrong! AB 250 corrects most of the problems with the current system and should approved by your committee. Please feel free to contact me.

Sincerely,



Michael C. Milliren

Copies: Senator Roessler, Senator Zien, Senator Kedzie, Representative Vrakas