



**WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO**

2003 Assembly Bill 198

**Assembly Substitute
Amendment 1**

Memo published: August 11, 2003

Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)

Under *current law*, each order for child support, family support, or maintenance must include an order that the payer notify the county child support agency and the payee, within 10 business days, of any change of employer and of any substantial change in the amount of his or her income, including receipt of a bonus, such that his or her ability to pay child support, family support, or maintenance is affected.

Assembly Bill 198 requires each order for support or maintenance to also include an order that the payee notify the county child support agency and the payer, within 10 business days, of any change of employer and of any substantial change in the amount of his or her income, including the receipt of a bonus.

Assembly Substitute Amendment 1 provides that an order for maintenance payments may include an order that the payee notify the county child support agency and the payer, within 10 business days, of any substantial change in the amount of the payee's income, including the receipt of a bonus. In addition, if the court considers the payee's income in determining the amount of support under a child support or family support order, the support order may include an order that the payee notify the child support agency and the payer of any substantial change in income, as described above.

The Assembly Committee on Children and Families recommended adoption of Assembly Substitute Amendment 1 and passage of the bill, as amended, on August 7, 2003. For each motion, the vote was Ayes, 7; Noes, 0.

AS:jal;ksm



BOB ZIEGELBAUER

STATE REPRESENTATIVE • TWENTY FIFTH ASSEMBLY DISTRICT

Committee on Health, Children, Families, Aging and Long Term Care

Senator Carol Roessler, Chair

Friday, March 5, 2004

8:30 a.m. – 201-Southeast

Support for AB 198 as amended by ASA 1

Madame Chairwoman and Members:

Thank you for scheduling this hearing on AB 198 and for your consideration of it.

AB 198 was introduced at the suggestion of a constituent who specializes in family law.

Under current law, a *payer* of a child support, family support, or maintenance order is required to notify the child support agency and the payee of any substantial increase in salary or any change in employer. However, under current law, the *payee* is not required to provide similar information to the child support agency or payer. Since the income of each of the parties is usually taken into account in determining the support order, it seems reasonable to require that such information be shared equally among the parties.

As amended, AB 198 would permit the court to include in a maintenance order an order that requires the payee of the maintenance to notify the county child support agency and the payer of any substantial change in the payee's income. AB 198 would also allow the court to order the payee of a child support order to notify the child support agency and the payer of that order of any substantial change in the payee's income only if the court considered the payee's income in determining the child support amount.

Thank you again for your consideration. I would be happy to answer any questions you might have.

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MANITOWOC OFFICE: (920) 684-6783 • HOME: (920) 684-4362



3/4/2004
OK

BOB ZIEGELBAUER

STATE REPRESENTATIVE • TWENTY FIFTH ASSEMBLY DISTRICT

Erator:

Thanks very much for
scheduling a Friday hearing that
included ~~AB 198~~.

Thanks!
Bob Z

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MAR 22 2004

Joseph C. Vaughn
6909 N.Co.Rd.M #35
Evansville, WI 53536
March 22, 2004

AB
198

To the legislature

I'd like to urge members of the state legislature to approve the economic improvements for divided families that are intended in AB 198, the child support Bill that's currently available for scheduling in the Assembly.

First of all, requiring child support recipients to notify the court and the child support bureau of major job or income changes will provide information to those agencies that should prompt them to reconsider the present child support assignment between two parents. The court should consider this as automatic grounds for a modification review, instead of requiring the parents to wait upon the 32-month time period, as is so often the case under current law. In such cases, the children's quality of life in either parent's household will likely be affected immediately, and the court's response should be prompt and balanced, in accord with the nature of the income change.

Economic balance in present family law is ill-served for two reasons: In family breakups, courts insist upon a primary custodial parent for the children and that parent's financial support is the only ensuing priority thereafter. The increase in post-divorce shared-parenting arrangements is improving children's relationships with both parents, but courts and child support agencies should be more concerned with the financial health of a non-custodial parent's household, as well. A child's quality of life is directly dependent upon either parent's income, regardless of the parent's status in the court orders. Further, child support payees who enjoy a substantial income increase beyond basic standards of necessity should have their child and family support immediately and accordingly reduced. This would serve fairness principles and would provide more support income to the non-custodial parent.

We constantly hear demands from single-parent advocates who never receive enough child support, whether from welfare programs, private charities or the non-custodial parents in question. It's time to provide the statutory means of enforcing fairness and balance in parental living standards for both parents in broken family situations. We already do this in other areas of our daily business: anti-monopoly statutes in business, affirmative action policies for gender and racial minorities and punishments appropriate to the crime in criminal court. Standards of fairness and balance should apply to family law, as well.

Sincerely, *Joseph Vaughn*



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MEMORANDUM

To: Members, Wisconsin Assembly
From: Family Law Section, State Bar of Wisconsin
Date: February 27, 2004
Re: **Support for Assembly Bill 198**—permitting a court to require a child support payee to notify the county child support agency and the payer of any substantial income changes.

Background

The Family Law Section **supports** Assembly Bill 198 as amended by Assembly Substitute Amendment 1.

As originally drafted, this bill would have required child support payees to notify county child support agencies and the payer of a substantial change in income or employer. The Family Law Section opposed the bill in its original form but worked with Rep. Ziegelbauer, the author of the bill, to try to narrow the bill so now it impacts only those cases in which this notification makes sense. This change will save county child support agencies the time and expense of dealing with unnecessary paperwork.

Under Assembly Substitute Amendment 1, the court may order a payee to provide notification only in cases in which the court considered the income of the payee in determining the support amount. (Examples of such situations would be shared time or split placement cases). The requirement that the payee provide notification and disclose information about a change of employer has been dropped from the substitute amendment version.

The Family Law Section believes these are sensible changes and supports them.

If you have any questions, please feel free to contact Dan Rossmiller, Public Affairs Director of the State Bar of Wisconsin, at (608) 250-6140.

State Bar of Wisconsin

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October 9, 2002

HAND DELIVERED

Mr. Bob Ziegelbauer
c/o Doctor Freud's Records & Tapes
921 South Eighth Street
Manitowoc, WI 54220

RE: Sec. 767.263(1), Wis. Stats.

Dear Bob:

Preparing for a family law Order to Show Cause I came across what appears to be some discriminatory language in Sec. 767.263(1), Wis. Stats. A copy is appended.

In essence, it required an order for child support, family support or maintenance to require the payer to notify parties of any substantial change in income affecting the ability to pay child support, family support or maintenance.

The case I had involved a situation where the recipient of maintenance received a significant increase in salary. Had I known a month or so earlier, I would have been able to file a motion to reduce maintenance a bit earlier. There doesn't appear to be any requirement in Sec. 767.263(1), Wis. Stats., for the recipient of maintenance to notify parties as to a significant change in income which may certainly affect the need for maintenance. It is probably something that doesn't come up often but yet it may be something that would and should be revised. If you have any questions, please let me know.

Very truly yours,

KUMMER, LAMBERT & FOX, LLP

BY


Lee H. Kummer

LHK/lal
Enclosure



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MEMORANDUM

To: Members, Senate Committee on Health, Children, Families, Aging and Long Term Care

From: Family Law Section, State Bar of Wisconsin

Date: March 5, 2004

Re: **Support for Assembly Bill 198**—permitting a court to require a child support payee to notify the county child support agency and the payer of any substantial income changes.

Background

The Family Law Section **supports** Assembly Bill 198 as amended by Assembly Substitute Amendment 1.

As originally drafted, this bill would have required child support payees to notify county child support agencies and the payer of a substantial change in income or employer. The Family Law Section opposed the bill in its original form but worked with Rep. Ziegelbauer, the author of the bill, to try to narrow the bill so now it impacts only those cases in which this notification makes sense. This change will save county child support agencies the time and expense of dealing with unnecessary paperwork.

Under Assembly Substitute Amendment 1, the court may order a payee to provide notification only in cases in which the court considered the income of the payee in determining the support amount. (Examples of such situations would be shared time or split placement cases). The requirement that the payee provide notification and disclose information about a change of employer has been dropped from the substitute amendment version.

The Family Law Section believes these are sensible changes and supports the bill as amended.

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ASSEMBLY BILL 198
(ZIEGELBAUER/ ROESSLER)

Relating to requiring a child support payee to notify the county child support agency and the payer of any employer change or substantial income changes.

- The DWD is not going to testify. They are fine with the bill as amended.
- Under current law, an order for child or family support or maintenance must include an order that requires the **payer** of the support or maintenance to notify both the county child support agency and the payee of any change of employer and of any substantial change in the amount of the payer's income **such that his or her ability to pay the support or maintenance is affected.**
- This bill requires an order for child or family support or maintenance also to include an order that requires the **payee** of the support or maintenance **to notify both the county child support agency and the payer of any change of employer and of any substantial change in the payee's income.**

SUBSTITUTE AMENDMENT 1 ADOPTED BY THE ASSEMBLY

- The amendment provides that an order for maintenance payments may include an order that the payee notify the county child support agency and the payer, within 10 business days, of any substantial change in the amount of the payee's income, including the receipt of a bonus.
- In addition, if the court considers the payee's income in determining the amount of support under a child support or family support order, the support order may include an order that the payee notify the child support agency and the payer of any substantial change in income, as described above.

The Assembly Committee on Children and Families recommended adoption of Assembly Substitute Amendment 1 and passage of the bill, as amended, on August 7, 2003. For each motion, the vote was Ayes, 7; Noes, 0.



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AS:jal;ksm

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