

2005 DRAFTING REQUEST

Bill

Received: **09/26/2005**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Dave Matzen**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - paternity**
Dom. Rel. - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Establishing father's responsibility for birth expenses

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 09/26/2005	kfollett 09/26/2005		_____			
/1			jfrantze 09/26/2005	_____	lnorthro 09/26/2005	lnorthro 09/26/2005	
/2	pkahler 09/30/2005	kfollett 10/03/2005	rschluet 10/03/2005	_____	sbasford 10/03/2005	sbasford 10/03/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST

Bill

Received: **09/26/2005**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Dave Matzen**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - paternity**
Dom. Rel. - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Establishing father's responsibility for birth expenses

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 09/26/2005	kfollett 09/26/2005		_____			
/1		12/15/05 10/13/05	jfrantze 09/26/2005	_____	Inorthro 09/26/2005	Inorthro 09/26/2005	

FE Sent For:

103
<END>

2005 DRAFTING REQUEST

Bill

Received: **09/26/2005**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Steve Kestell (608) 266-8530**

By/Representing: **Dave Matzen**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - paternity**
Dom. Rel. - miscellaneous

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kestell@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Establishing father's responsibility for birth expenses

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	1/1 kgj 9/26	J. Sell 9/26				Please jacket "1" for assembly

FE Sent For:

<END>

Dave Matzen

Rep Kestell

9-26

would like assembly companion
to LRB-3460 re. establishing
birth expenses

father's responsibility (n)

will have ^{copy of} ~~file~~ file contents

in LRB-1831 and LRB-3460

included



State of Wisconsin
2005 - 2006 LEGISLATURE

3726/1
LRB-3460/2
PJK:kjfrs

2005 BILL

today,
please

Regen

1 **AN ACT to renumber and amend** 767.51 (3) (e) and 767.62 (4) (d); and **to create**
2 767.51 (3) (e) 2. and 767.62 (4) (d) 2. of the statutes; **relating to:** requiring a
3 court to establish a father's obligation for birth expenses.

Analysis by the Legislative Reference Bureau

Under current law, in a paternity judgment or order the court must include an order that requires the man who is determined to be the father to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth based on the man's ability to pay. A recent Wisconsin Court of Appeals decision based on this statute held that, if the father has no present ability to pay, a circuit court has no authority to set an obligation to pay lying-in expenses, even if payments are held in abeyance.

This bill modifies the requirement under current law so that in a judgment or order determining paternity, including one based on a voluntary acknowledgment of paternity, the court must establish the amount of the father's obligation to pay or contribute to those expenses and requires the court to set the father's obligation at one-half of the total actual and reasonable pregnancy and birth expenses. The bill requires the court to specify in the judgment or order whether periodic payments are due on the obligation, based on the father's ability to pay, and provides that, if the court does not require periodic payments because the father does not have the

BILL

present ability to pay, the court may modify the paternity judgment or order at a later date to require periodic payments if the father has the ability to pay at that time.

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

1 **SECTION 1.** 767.51 (3) (e) of the statutes is renumbered 767.51 (3) (e) 1. and
2 amended to read:

3 767.51 (3) (e) 1. An order ~~requiring the father~~ establishing the amount of the
4 father's obligation to pay or contribute to the reasonable expenses of the mother's
5 pregnancy and the child's birth. The amount established shall be limited to one-half
6 of the total actual and reasonable pregnancy and birth expenses. The order also shall
7 specify whether periodic payments are due on the obligation, based on the father's
8 ability to pay or contribute to those expenses.

9 **SECTION 2.** 767.51 (3) (e) 2. of the statutes is created to read:

10 767.51 (3) (e) 2. If the order does not require periodic payments because the
11 father has no present ability to pay or contribute to the expenses, the court may
12 modify the judgment or order at a later date to require periodic payments if the father
13 has the ability to pay at that time.

14 **SECTION 3.** 767.62 (4) (d) of the statutes is renumbered 767.62 (4) (d) 1. and
15 amended to read:

16 767.62 (4) (d) 1. An order ~~requiring the father~~ establishing the amount of the
17 father's obligation to pay or contribute to the reasonable expenses of the mother's
18 pregnancy and the child's birth. The amount established shall be limited to one-half
19 of the total actual and reasonable pregnancy and birth expenses. The order also shall
20 specify whether periodic payments are due on the obligation, based on the father's
21 ability to pay or contribute to those expenses.

BILL

1 **SECTION 4.** 767.62 (4) (d) 2. of the statutes is created to read:

2 767.62 (4) (d) 2. If the order does not require periodic payments because the
3 father has no present ability to pay or contribute to the expenses, the court may
4 modify the judgment or order at a later date to require periodic payments if the father
5 has the ability to pay at that time.

6 **SECTION 5. Initial applicability.**

7 (1) The renumbering and amendment of sections 767.51 (3) (e) and 767.62 (4)
8 (d) of the statutes first applies to judgments or orders that are granted on the
9 effective date of this subsection.

10

(END)

Jennings - Sen Roerslev's office 9-30

change LRB-3460 so that

one-half of birth expenses
is the maximum amount

(also LRB-3726, which is the
companion bill)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-3726/1

PJK:kjf/jf

2
h m is run

2005 BILL

Mon, if possible

Regen

1 AN ACT to renumber and amend 767.51 (3) (e) and 767.62 (4) (d); and to create
2 767.51 (3) (e) 2. and 767.62 (4) (d) 2. of the statutes; relating to: requiring a
3 court to establish a father's obligation for birth expenses.

Analysis by the Legislative Reference Bureau

Under current law, in a paternity judgment or order the court must include an order that requires the man who is determined to be the father to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth based on the man's ability to pay. A recent Wisconsin Court of Appeals decision based on this statute held that, if the father has no present ability to pay, a circuit court has no authority to set an obligation to pay lying-in expenses, even if payments are held in abeyance.

This bill modifies the requirement under current law so that in a judgment or order determining paternity, including one based on a voluntary acknowledgment of paternity, the court must establish the amount of the father's obligation to pay or contribute to those expenses and requires the court to set the father's obligation at one-half of the total actual and reasonable pregnancy and birth expenses. The bill requires the court to specify in the judgment or order whether periodic payments are due on the obligation, based on the father's ability to pay, and provides that, if the court does not require periodic payments because the father does not have the

not more than

BILL

present ability to pay, the court may modify the paternity judgment or order at a later date to require periodic payments if the father has the ability to pay at that time.

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

1 **SECTION 1.** 767.51 (3) (e) of the statutes is renumbered 767.51 (3) (e) 1. and
2 amended to read:

3 767.51 (3) (e) 1. An order ~~requiring the father~~ establishing the amount of the
4 father's obligation to pay or contribute to the reasonable expenses of the mother's
5 pregnancy and the child's birth. The amount established shall be limited to one-half
6 of the total actual and reasonable pregnancy and birth expenses. The order also shall
7 specify whether periodic payments are due on the obligation, based on the father's
8 ability to pay or contribute to those expenses.

9 **SECTION 2.** 767.51 (3) (e) 2. of the statutes is created to read:

10 767.51 (3) (e) 2. If the order does not require periodic payments because the
11 father has no present ability to pay or contribute to the expenses, the court may
12 modify the judgment or order at a later date to require periodic payments if the father
13 has the ability to pay at that time.

14 **SECTION 3.** 767.62 (4) (d) of the statutes is renumbered 767.62 (4) (d) 1. and
15 amended to read:

16 767.62 (4) (d) 1. An order ~~requiring the father~~ establishing the amount of the
17 father's obligation to pay or contribute to the reasonable expenses of the mother's
18 pregnancy and the child's birth. The amount established shall be limited to one-half
19 of the total actual and reasonable pregnancy and birth expenses. The order also shall
20 specify whether periodic payments are due on the obligation, based on the father's
21 ability to pay or contribute to those expenses.

may not exceed

BILL

1 **SECTION 4.** 767.62 (4) (d) 2. of the statutes is created to read:

2 767.62 (4) (d) 2. If the order does not require periodic payments because the
3 father has no present ability to pay or contribute to the expenses, the court may
4 modify the judgment or order at a later date to require periodic payments if the father
5 has the ability to pay at that time.

6 **SECTION 5. Initial applicability.**

7 (1) The renumbering and amendment of sections 767.51 (3) (e) and 767.62 (4)
8 (d) of the statutes first applies to judgments or orders that are granted on the
9 effective date of this subsection.

10

(END)

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: PJK) (Date: 9 / 26 / 05)



Please transfer the drafting file for

2003 LRB _____ to the drafting file

for 2005 LRB _____

The final version of the 2003 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2003 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 2003 draft was incorporated into a 2005 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2005 drafting file. This request form will be inserted into the "guts" of the 2005 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--- OR ---

Please copy the drafting file for

2005 LRB 1831 and 3460 / all (include the version) and place it in the

drafting file for 2005 LRB 3726

For research purposes, because the original 2005 draft was incorporated into another 2005 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 2005 drafting file. This request form will be inserted into the "guts" of the new 2005 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.