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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(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)

Assembly

Record of Committee Proceedings

Committee on Children and Families

Assembly Bill 654

Relating to: consideration of income disparity in determining child support and information to be included in family action petitions.

By Representatives Kestell, Pettis, Nelson, Ott, Musser, F. Lasee, Hahn, Gunderson, M. Williams, Nass, Friske and Kerkman; cosponsored by Senator Grothman.

September 09, 2005 Referred to Committee on Children and Families.

November 17, 2005 **PUBLIC HEARING HELD**

Present: (7) Representatives Kestell, Vos, Albers,
Jeskewitz, Vukmir, Grigsby and Seidel.
Absent: (1) Representative Sinicki.

Appearances For

- Andy Menting — Family Law Section of the State Bar of WI
- Connie Chesnik — DWD
- Steve Kestell — Rep., 27th Assembly District

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- David Krahn — Waukesha County
- Glenn Grothman — Sen., 20th Senate District

Registrations Against

- None.

December 8, 2005 **EXECUTIVE SESSION HELD**

Present: (6) Representatives Kestell, Albers, Jeskewitz,
Grigsby, Sinicki and Seidel.
Absent: (2) Representatives Vos and Vukmir.

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Amendment 1** be recommended for introduction.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz, Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

INTRODUCTION OF ASSEMBLY AMENDMENT 1
RECOMMENDED, Ayes 6, Noes 0

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Amendment 1** be recommended for adoption.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz, Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

ASSEMBLY AMENDMENT 1 ADOPTION RECOMMENDED,
Ayes 6, Noes 0

Moved by Representative Albers, seconded by Representative Jeskewitz that **Assembly Bill 654** be recommended for passage as amended.

Ayes: (6) Representatives Kestell, Albers, Jeskewitz, Grigsby, Sinicki and Seidel.
Noes: (0) None.
Absent: (2) Representatives Vos and Vukmir.

PASSAGE AS AMENDED RECOMMENDED, Ayes 6, Noes 0

David Matzen
Committee Clerk

Vote Record Committee on Children and Families

Date: 12-8-05

Moved by: ~~Albers~~ Albers Seconded by: Jeskewitz

AB 654 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Tamara Grigsby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donna Seidel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>0</u>	<u>2</u>	<u> </u>

Motion Carried Motion Failed

Vote Record Committee on Children and Families

Date: 12-8-05

Moved by: Albers

Seconded by: Jeskewitz

AB 654

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for: AS amended

Passage Adoption Confirmation

Concurrence

Indefinite Postponement

Introduction Rejection Tabling

Nonconcurrence

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell, Chair –	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Robin Vos	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers –	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz –	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Representative Tamara Grigsby	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki –	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Donna Seidel –	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>6</u>	<u>0</u>	<u>2</u>	_____

Motion Carried

Motion Failed

Department of Workforce Development
Secretary's Office
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P.O. Box 7946
Madison, WI 53707-7946
Telephone: (608) 266-3131
Fax: (608) 266-1784
Email: dwdsec@dwd.state.wi.us



State of Wisconsin
Department of Workforce Development
Jim Doyle, Governor
Roberta Gassman, Secretary

November 17, 2005

Representative Steve Kestell, Chair
Assembly Committee on Children and Families
Room 17W
State Capitol
P.O. Box 8952
Madison, WI 53708-8952

Dear Representative Kestell and members of the Committee:

My name is Connie Chesnik and I am an attorney for the Wisconsin Department of Workforce Development. Our department is responsible for administering the child support program in Wisconsin. I am here today to testify in support of AB 654 relating to consideration of disparities in income when setting child support and information to be included in family action petitions.

AB 654 contains the recommendations of the Department's Child Support Guidelines Advisory Committee. That committee was appointed in the spring of 2001 by then Secretary Jennifer Reinert to provide guidance to the Department on revisions to state policy regarding the guidelines used to determine child support. The committee was composed of representatives of the courts, the Wisconsin Bar, community-based organizations, county child support agencies and department staff. The recommendations of the committee were the result of extensive deliberations over a year's time on issues that included, among others, the establishment of support in shared-time cases, cases involving low-income as well as high-income payers, and proposed statutory changes. It is the recommendations relating to statutory change that are the subject AB 654.

The committee recommended statutory language to address a Court of Appeals decision (Luciani v. Montemurro-Luciani, 199 Wis. 2d 280 (Ct. App. 1996)) in which the court applied the child support percentage of income standard in a case in which the custodial parent's income was significantly greater than the noncustodial parent's income. The committee recommended a revision to one of the statutory

factors for deviation from the percentage standard in s.767.25(1m)(b). That section currently requires the court to consider the financial resources of both parents. The proposed amendment would require the court to consider “the financial resources and standard of living of both parents as determined by the court including any significant disparity between the parties’ gross income or earning capacities.”

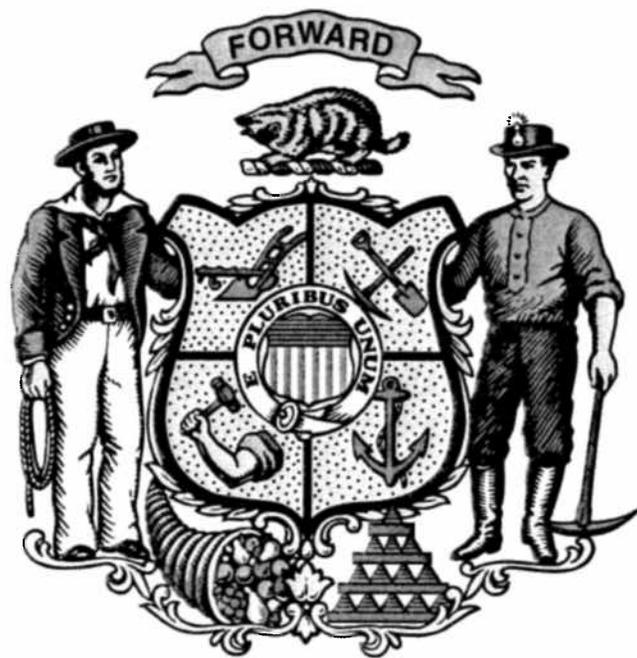
The committee also recommended a statutory provision requiring that when one part request establishment or modification of a support order in a serial family situation (a case where the child support payer has obligations to children in more than one family) the court should consider the existence and amounts of other orders. The proposed amendment to s.767.085(1)(dm) in AB 751 would require that a petition in an action affecting the family state whether either of the parties is obligated to pay child or family support under a court order and, if so, the name of the court that issued each judgment or order and the amount of support owed under each order. Often times, child support orders involving the same payer exist in multiple counties. A judge entering an order in a serial family case may not be aware of the existence of an order in another county.

Thank you for the opportunity to testify on AB 654.

Sincerely,



Connie M. Chesnik
Attorney



Family Law Section

 State Bar of Wisconsin

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Kelly A. Welsh
Wessel, Lehker & Welsh Inc

Janice K. Wexler
Scheffer & Wexler SC

To: Assembly Committee on Children & Families

From: Atty. Anthony Menting, Member
Family Law Section Board
State Bar of Wisconsin

Date: November 17, 2005

Re: Assembly Bill 654

The **Family Law Section** (*State Bar of Wisconsin*) **strongly supports** Assembly Bill 654, relating to consideration of income disparity in determining child support and information to be included in family action petitions.

The trial court is required to determine child support payments by using the percentage standard guidelines promulgated by the Department of Workforce Development. The court is permitted to deviate from the presumptive guideline amount after considering sixteen enumerated factors. The court may deviate from the support standards if it finds that the presumptive amount would result in a child support award that is unfair to a parent or child.

In *Luciani v. Montemurro-Luciani*, the father had placement 117 overnight days and 49 non-overnight days per year. The father was a lab technician with an after tax monthly income of \$1,900. The mother was a physician with an after tax monthly income of \$8,300. The trial court applied the child support guideline which obligated the father to pay child support to the mother at the rate of \$678 per month. The father was not left with sufficient income to meet the basic monthly expenses for himself or the children while they were in his care. The dissenting justice stated that the result was "tantamount to forced impoverishment of one spouse while the other spouse has ample income to live exceedingly well." The justice was concerned how the difference in resources would "resonate" with the children.

State Bar of Wisconsin

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The Family Law Section supports the proposed revision of WI Stat. §767.25(1m)(b). Under the revision, the trial court would be required to consider the children's standard of living with each parent. The goal would be to limit *Luciani* results wherein the children have substantially disparate lifestyles at each home.

For more information, contact Jason Westphal, Government Relations Coordinator, at (608) 250-6077 or jwestphal@wisbar.org.

NOTE: The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as whole. These views are those of the Section alone.