

2007 ASSEMBLY BILL 744

January 31, 2008 – Introduced by Representatives WIECKERT, MURSAU, SHILLING, HAHN, JESKEWITZ, SOLETSKI, DAVIS, MUSSER, VOS, STRACHOTA, KLEEFISCH, TOWNSEND, OWENS, VAN ROY, BIES and A. OTT, cosponsored by Senators DARLING, OLSEN, HARS DORF, A. LASEE and ROESSLER. Referred to Committee on Children and Family Law.

1 **AN ACT** *to create* 49.23 of the statutes; **relating to:** a delinquent child support
2 payer Web site.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Revenue is required to maintain an Internet Web site of the names of taxpayers who owe delinquent taxes in excess of \$25,000. Also under current law, the Department of Workforce Development (DWD) is required to establish a program that includes publication of information, such as names and photographs, of persons who are significantly delinquent in the payment of child support. Current law also requires DWD to maintain a support lien docket that contains the names of persons who are delinquent in the payment of child support (generally, in excess of \$500). Copies of the lien docket are provided to county registers of deeds and state agencies that title personal property.

This bill requires DWD to maintain a list of, and post on an Internet Web site, the names of persons who owe delinquent child support in a total amount that exceeds \$5,000 and whose names appear on the statewide support lien docket maintained by DWD. The Web site must contain the name, county or counties in which child support was ordered, and amount owed for each person on the list. As with the delinquent taxpayer Web site, the delinquent child support payer Web site must have a special page for the 100 persons who owe the most. The Web site must be searchable by county and updated weekly, and may not post the name of any person who has reached an agreement with DWD, and is in compliance with that agreement, for alternate payment arrangements. DWD may, in its discretion, not post the name of a person on the Web site, or remove a person's name from the Web

ASSEMBLY BILL 744

site, if DWD determines that it is in a child's best interest that the person's name not appear on the Web site. The bill provides that DWD and any officer or employee of DWD are immune from civil liability for good faith acts or omissions related to DWD's responsibilities for maintaining the Web site.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 49.23 of the statutes is created to read:

2 **49.23 Delinquent child support obligor Web site. (1)** REQUIREMENT TO
3 MAINTAIN. Except as provided in sub. (2), the department shall prepare and maintain
4 a list of all child support obligors who are delinquent in the payment of child support
5 in a total amount that exceeds \$5,000 and whose names appear on the statewide
6 support lien docket under s. 49.854 (2) (b), and shall post the names of persons from
7 this list on the Internet at a site that is created and maintained by the department
8 for this purpose. The Internet site shall show the name, county or counties in which
9 the child support that is delinquent was ordered, and amount of delinquent child
10 support for each obligor on the list. The Internet site shall also contain a special page
11 for the 100 obligors who owe the most in delinquent child support. The department
12 shall design the Internet site so that it may be searched by county and shall update
13 the Internet site on a weekly basis.

14 **(2) EXCEPTIONS.** (a) The department may not post on the Internet site under
15 sub. (1) the name of an obligor who has reached a payment agreement with the
16 department, or a payment agreement that has been approved by a county child
17 support agency under s. 59.53 (5) and that is consistent with rules promulgated
18 under s. 49.858 (2) (a), and who is in compliance with that agreement. If an obligor
19 is delinquent in the payment of child support under more than one order, this

ASSEMBLY BILL 744

1 paragraph applies to that obligor only if the obligor has reached an agreement
2 specified under this paragraph, and is in compliance with that agreement, with
3 respect to each child support order under which the obligor is delinquent.

4 (b) If the department determines that it is in the best interest of a child that
5 an obligor's name not appear on the Internet site under sub. (1), the department may,
6 in its discretion, do any of the following:

- 7 1. Not post the obligor's name on the site.
- 8 2. Remove the obligor's name from the site.

9 **(3) IMMUNITY FROM LIABILITY.** The department and any officer or employee of the
10 department are immune from civil liability for good faith acts or omissions related
11 to carrying out the responsibilities under this section.

12 (END)