

2007 DRAFTING REQUEST

Bill

Received: **01/19/2007**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Harshner**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - child support**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Harshner, BB0402 -

Topic:

Fees to be paid for child support payments

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 01/19/2007	kfollett 01/19/2007		_____			Local
/1			jfrantze 01/22/2007	_____	sbasford 01/22/2007		Local
/2	pkahler 01/23/2007	kfollett 01/24/2007	jfrantze 01/24/2007	_____	mbarman 01/24/2007		Local
/3	pkahler 01/30/2007	kfollett 01/30/2007	rschluet 01/30/2007	_____	sbasford 01/30/2007		

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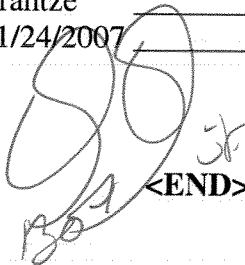
See Attached

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/2	pkahler 01/23/2007	kfollett 01/24/2007	jfrantze 01/24/2007	_____	mbarman 01/24/2007		

FE Sent For:

13kjf
1/30

 <END>

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/?	pkahler 01/19/2007	kfollett 01/19/2007		_____			Local
/1		12 kjf 1/24	jfrantze 01/22/2007	_____	sbasford 01/22/2007		

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/?	pkahler	1/19 kjf	26/1/22	26/1/22 pkahler			

FE Sent For:

<END>

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Establishing a new annual \$25 fee in the Child Support program for Custodial Parents, for all "never-assistance cases once \$500 in support is collected.
- Tracking Code: BB0402
- SBO team: Education
- SBO analyst: Sam Harshner
 - Phone: 266-8219
 - Email: Samuel.Harshner@wisconsin.gov
- Agency acronym: DWD
- Agency number: 445
- Priority (Low, Medium, High): High

Notes:

- This is a new fee to be assessed on custodial parents in Child Support cases where the custodial parent has never received W-2 cash assistance.
- The fee will not be assessed until at least \$500 in support has been received from the non-custodial parent.
- Revenues from this fee go to appropriation 20.445(3)(ja).
- The Federal Office of Child Support Enforcement asks that this fee not be implemented until 10/01/2007.

Please let me know if you have any further questions.

Kahler, Pam

From: Harshner, Samuel - DOA
Sent: Friday, January 19, 2007 12:54 PM
To: Kahler, Pam
Subject: RE: Fee to be paid by person receiving child support

Pam,

The Department believes your logic is correct on this, but because the Federal Government has not finalized the eligible approaches for this fee, they would like to keep the method of this collection as general as possible. I don't know if there are any impediments to that or not. Do we have to explicitly request the ability to deduct this amount from the payee? If not I would say some general provision stating DWD shall collect the fee would be sufficient.

Sam

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Friday, January 19, 2007 11:53 AM
To: Harshner, Samuel - DOA
Subject: Fee to be paid by person receiving child support

Sam:

How is this fee to be collected? May DWD deduct it from the amount to be paid to the support payee? There wouldn't seem to be any other sure way to get it if it isn't supposed to be collected until at least \$500 has been received from the payer.

Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1589/7

PJK:...

gf

DOA:.....Harshner, BB0402 - Fee to be paid by custodial parents for child support payments

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-note
(in 1-19)

do not get cut

or family

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, a person who is obligated to pay child or family support must pay an annual fee of \$35 to DWD for receiving and disbursing the child support funds to the person who receives the child support. This bill requires DWD to collect an annual fee of \$25 from a person receiving child or family support in addition to the fee paid by the person paying the support. DWD may not collect a fee, however, from a person who has ever received a cash grant under the Wisconsin Works program and may not collect a fee in any given year unless DWD has received in that year at least \$500 in support from the person paying the support.

n

For further information see the *local* 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:

2 SECTION 1. 20.445 (3) (ja) of the statutes is amended to read:

1 20.445 (3) (ja) *Child support state operations — fees and reimbursements.* All
 2 moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise
 3 owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57
 4 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged
 5 and incentive payments and collections retained under s. 49.22 (7m), and under s.
 6 49.855 (4) from the department of revenue or the department of administration that
 7 were withheld by the department of revenue or the internal revenue service for
 8 unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated
 9 with receiving and disbursing support and support-related payments, including any
 10 contract costs, and for administering the program under s. 49.22 and all other
 11 purposes specified in s. 49.22.

History: 1971 c. 125 ss. 156, 522 (1); 1971 c. 211, 215; 1971 c. 228 s. 44; 1971 c. 259; 1973 c. 90, 180, 243, 333; 1975 c. 39, 147, 224, 274, 344; 1975 c. 404 ss. 3, 10 (1); 1975 c. 405 ss. 3, 11 (1); 1977 c. 29, 48, 203, 418; 1979 c. 34 ss. 512 to 522, 2102 (25) (a); 1979 c. 189, 221, 309; 1979 c. 329 s. 25 (1); 1979 c. 350 ss. 3, 27 (6); 1979 c. 353, 355; 1981 c. 20, 36, 92, 93, 317, 325, 364; 1983 a. 8; 1983 a. 27 ss. 411 to 425; 1983 a. 98 ss. 1, 31; 1983 a. 192, 384, 388, 410; 1985 a. 17, 29, 153, 313, 332; 1987 a. 27; 1987 a. 38 ss. 2 to 4, 136; 1987 a. 399, 403; 1989 a. 31, 44, 64, 77, 254, 284, 359; 1991 a. 39 ss. 372c, 545r, 545t, 545v, 547, 548, 548g, 548m, 549, 549b, 549g, 549p; 1991 a. 85, 89, 269, 315; 1993 a. 16, 126, 243, 437, 491; 1995 a. 27 ss. 772mm, 772mn, 776p to 778b, 778L, 778n, 778q, 778v, 778z to 780m, 781m to 782p, 782u, 841, 842, 849, 850, 854, 855, 858c, 873 to 876, 878, 880, 890 to 896, 962 to 1014c, 9126 (19), 9130 (4); 1995 a. 113 s. 2t; 1995 a. 117, 201, 216, 225, 289; 1995 a. 404 ss. 4, 6 to 8, 10 to 17; 1997 a. 3; 1997 a. 27 ss. 610 to 642m, 722; 1997 a. 35, 38, 39, 105, 112, 191, 235, 236, 237, 252; 1999 a. 9 ss. 270, 458 to 478; 1999 a. 15, 32; 2001 a. 16, 35, 43, 104, 109; 2003 a. 33, 197; 2005 a. 25, 86, 172; 2005 a. 443 s. 265.

12 **SECTION 2.** 767.57 (1e) (title) of the statutes is amended to read:

13 767.57 (1e) (title) RECEIVING AND DISBURSING ~~FEE FEES~~.

History: 1971 c. 41 s. 12; Sup. Ct. Order. 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4); 1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995 a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9; 2001 a. 16, 59, 61, 105; 2005 a. 25, 387; 2005 a. 443 ss. 127 to 132, 144, 225; Stats. 2005 s. 767.57; s. 13.93 (2) (c).

14 **SECTION 3.** 767.57 (1e) (a) of the statutes is amended to read:

15 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or

16 family support payments, including payments in arrears, and for maintaining the

17 records required under par. (e) ~~(sub. (1) (c))~~ the department or its designee shall

18 collect an annual fee of \$35 from a party ordered to make payments. The court shall

19 order each party ordered to make payments to pay the fee in each year for which

20 payments are ordered or in which an arrearage in any of those payments is owed.

21 In directing the manner of payment, the court shall order that the fee be withheld

1 from income and sent to the department or its designee, as provided under s. 767.75.
 2 Fees under this paragraph shall be deposited in the appropriation account under s.
 3 20.445 (3) (ja). At the time of ordering payment of the fee, the court shall notify each
 4 party ordered to make payments of the requirement to pay, and the amount of, the
 5 fee. If the fee under this paragraph is not paid when due, the department or its
 6 designee may not deduct the fee from any maintenance, child or family support, or
 7 arrearage payment, but may move the court for a remedial sanction under ch. 785.

~~NOTE: NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.~~NOTE:

History: 1971 c. 41 s. 12; Sup. Ct. Order, 67 Wis. 2d 585, 775 (1975); 1975 c. 82, 200; 1975 c. 401 s. 4; 1977 c. 105 s. 59; 1977 c. 271, 418, 447; 1979 c. 32 ss. 50, 92 (4); 1979 c. 257 s. 17; Stats. 1979 s. 767.29; 1981 c. 20 s. 2202 (20) (m); 1983 a. 27, 302; 1985 a. 29, 176; 1991 a. 39; 1993 a. 481; 1995 a. 27 ss. 7104tm, 9126 (19), 9130 (4); 1995 a. 77, 279, 289, 404; 1997 a. 27, 35, 105, 191, 252; 1999 a. 9; 2001 a. 16, 59, 61, 105; 2005 a. 25, 387; 2005 a. 443 ss. 127 to 132, 144, 225; Stats. 2005 s. 767.57; s. 13.93 (2) (c).

8 **SECTION 4. 767.57 (1e) (c) of the statutes is created to read:**

9 767.57 (1e) (c) 1. Subject to subd. 2., the department or its designee shall collect
 10 an annual fee of \$25 from a party receiving court-ordered child support or family
 11 support payments who has never received a monthly grant under the Wisconsin
 12 Works program under s. 49.148 (1) (b) or (c) or (1m). Fees collected under this
 13 paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja).

14 2. The department or its designee may not collect a fee under subd. 1. in any
 15 given year from a party described in subd. 1. unless the department or its designee
 16 has received at least \$500 in child or family support payments in that year from the
 17 party ordered to make the payments.

18 **SECTION 9454. Effective dates; Workforce Development.**

19 (1) FEE PAID BY CHILD SUPPORT PAYEE. The treatment of sections 20.445 (3) (ja)
 20 and 767.57 (1e) (title), (a) and (c) of the statutes takes effect on October 1, 2007, or
 21 on the day after publication, whichever is later.

22 (END)

D-1000

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1589/?dn
PJK...

1
kjf

Date

Sam:

This language is real simple and pretty vague, since the method of collection is not given. As you can see, I included this fee in the same subsection as the fee that must be paid by the payer of support. I did not include this fee in any of the sections that cross-reference the payer's fee, so it's not treated as a court-ordered payment to be collected by income assignment, etc.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1589/1dn
PJK:kjf:jf

January 22, 2007

Sam:

This language is real simple and pretty vague, since the method of collection is not given. As you can see, I included this fee in the same subsection as the fee that must be paid by the payer of support. I did not include this fee in any of the sections that cross-reference the payer's fee, so it's not treated as a court-ordered payment to be collected by income assignment, etc.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: Harshner, Samuel - DOA
Sent: Tuesday, January 23, 2007 12:17 PM
To: Kahler, Pam
Subject: FW: LRB Draft: 07-1589/1 Fee to be paid by custodial parents for child support payments
Importance: High
Attachments: 07-1589/1; 07-1589/1dn

Pam,

We would like to see a couple of changes.

1. They would like to insert the following language "The department or its designee shall collect an annual fee of \$25 from persons receiving child or family support. The fee shall comply with federal requirements under [federal-authority cross reference]."
 - a. I believe the federal cross reference that gives the authority is 42 U.S.C. 654 (6)(B) which is in the Social Security Act.
 - b. This ensures that that ultimate application will comply with federal regulations which remain somewhat ambiguous.
2. Since the authority for the NCP fee specifies that the fee cannot be deducted from maintenance, child or family support, or arrearage payments, the department would like to include language regarding the new \$25 fee that explicitly allows deductions from those sources.

Let me know if you have any questions.

Sam

From: Smith, Thomas K - DWD BUDGET [mailto:Thomas.Smith@dwd.state.wi.us]
Sent: Tuesday, January 23, 2007 11:40 AM
To: Harshner, Samuel - DOA
Subject: RE: LRB Draft: 07-1589/1 Fee to be paid by custodial parents for child support payments
Importance: High

42 USC 654 (6)
 (B)(ii)
 new
 really all of (B)
 though

Sam:

Section 4, creating s. 767.57 (1e) (c) 1. The way it is currently drafted "the department or its designee shall collect an annual fee of \$25 from a party receiving court-ordered child support or family support payments who has never received a monthly grant under the Wisconsin Works program under s. 49.148 (1) (b) or (c) or (1m)" may not be broad enough to cover all Wisconsin TANF assistance case types. The language in the DRA states the fee is applicable in the case in which an individual has never received assistance under a state program funded under title IV-A and for whom the state has collected at least \$500 of support. Section 7310 of the DRA of 2005 amends section [42 U.S.C. 654] (6) (B) of the Social Security Act-- perhaps Pam may want to reference this.

Given that OCSE's implementing regulations have not been issued, consideration might be given to a general provision such as "The department or its designee shall collect an annual fee of \$25 from persons receiving child or family support. The fee shall comply with federal requirements under [federal-authority cross reference]."

Our child support attorney suggests that, since provisions of current law state the existing NCP fee cannot be deducted from maintenance, child or family support, or arrearage payments, this draft should make clear that the new new \$25 fee can be deducted from any maintenance, child or family support, or arrearage payment.

Section 9454. Effective dates; Workforce Development. DWD anticipates collecting this fee beginning 1/1/08, which would follow the same calendar-year collection cycle as the existing NCP fee.

Tom



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1589/1
PJK:kjf
r m ison

DOA:.....Harshner, BB0402 - Fee to be paid by custodial parents for child support payments

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

do not get cut

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Under current law, a person who is obligated to pay child or family support must pay an annual fee of \$35 to DWD for receiving and disbursing the child support funds to the person who receives the child or family support. This bill requires DWD to collect an annual fee of \$25 from a person receiving child or family support in addition to the fee paid by the person paying the support. DWD may not collect a fee, however, from a person who has never received a cash grant under the Wisconsin Works program and may not collect a fee in any given year unless DWD has received in that year at least \$500 in support from the person paying the support.

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

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5 and incentive payments and collections retained under s. 49.22 (7m), and under s.
6 49.855 (4) from the department of revenue or the department of administration that
7 were withheld by the department of revenue or the internal revenue service for
8 unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated
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18 an annual fee of \$35 from a party ordered to make payments. The court shall order
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22 and sent to the department or its designee, as provided under s. 767.75. Fees under
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24 (ja). At the time of ordering payment of the fee, the court shall notify each party
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8 Works program under s. 49.148 (1) (b) or (c) or (1m). Fees collected under this
9 paragraph shall be deposited in the appropriation account under s. 20.445 (3) (ja).
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11 given year from a party described in subd.1. unless the department or its designee
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15 (1) FEE PAID BY CHILD SUPPORT PAYEE. The treatment of sections 20.445 (3) (ja)
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17 on the day after publication, whichever is later.

18 (END)

October 1, 2007, or
January 1, 2008

Insert 3-13

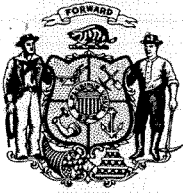
**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1589/2ins
PJK:kjf

INSERT 3-13

1 767.57 (1e) (c) The department or its designee shall collect an annual fee of \$25 ✓
2 from an individual receiving child support or family support payments. The fee shall ✓
3 comply with all requirements under 42 USC 654 (6) (B). The department or its ✓
4 designee may deduct the fee from maintenance, child or family support, or arrearage
5 payments. Fees collected under this paragraph shall be deposited in the ✓
6 appropriation account under s. 20.445 (3) (ja). ✓

(END OF INSERT 3-13)



Fix request sheet pls

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DOA:.....Harshner, BB0402 - Fee to be paid by custodial parents for child support payments

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

D-note

do not go out

1 AN ACT *x*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Insert A

Under current law, a person who is obligated to pay child or family support must pay an annual fee of \$35 to DWD for receiving and disbursing the child support funds to the person who receives the child or family support. This bill requires DWD to collect an annual fee of \$25 from a person receiving child or family support in addition to the fee paid by the person paying the support.

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

create auto ref A

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 2 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged
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 5 were withheld by the department of revenue or the internal revenue service for
 6 unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated
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 8 contract costs, and for administering the program under s. 49.22 and all other
 9 purposes specified in s. 49.22.

10 **SECTION 2.** 767.57 (1e) (title) of the statutes is amended to read:

11 767.57 (1e) (title) RECEIVING AND DISBURSING FEE FEES.

12 **SECTION 3.** 767.57 (1e) (a) of the statutes is amended to read:

auto ref B2

13 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or
 14 family support payments, including payments in arrears, and for maintaining the
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 16 an annual fee of ~~\$35~~ ^{\$65} from a party ordered to make payments. The court shall order
 17 each party ordered to make payments to pay the fee in each year for which payments
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 19 the manner of payment, the court shall order that the fee be withheld from income
 20 and sent to the department or its designee, as provided under s. 767.75. Fees under
 21 this paragraph shall be deposited in the appropriation account under s. 20.445 (3)
 22 (ja). At the time of ordering payment of the fee, the court shall notify each party
 23 ordered to make payments of the requirement to pay, and the amount of, the fee. If
 24 the fee under this paragraph is not paid when due, the department or its designee

1 may not deduct the fee from any maintenance, child or family support, or arrearage
2 payment, but may move the court for a remedial sanction under ch. 785.

3 SECTION 4. 767.57 (1e) (c) of the statutes is created to read:

4 767.57 (1e) (c) The department or its designee shall collect an annual fee of \$25
5 from an individual receiving child support or family support payments. The fee shall
6 comply with all requirements under 42 USC 654 (6) (B). The department or its
7 designee may deduct the fee from maintenance, child or family support, or arrearage
8 payments. Fees collected under this paragraph shall be deposited in the
9 appropriation account under s. 20.445 (3) (ja).

10 SECTION 9454. Effective dates; Workforce Development.

11 (1) FEE PAID BY CHILD SUPPORT PAYEE. The treatment of sections 20.445 (3) (ja)
12 and 767.57 (1e) (title), (a), and (c) of the statutes takes effect on January 1, 2008.

13 (END)

(by SECTION 3) auto ref B

D note

(by SECTION 1) auto ref A



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1590/1
PJK:kjf:jf

DOA:.....Harshner, BB0405 - Increase receipt and disbursement fee
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Susie A

OTHER HEALTH AND HUMAN SERVICES

Under current law, a person who is obligated to pay child support must pay an annual fee of \$35 to DWD for receiving and disbursing the child support funds to the person who receives the child support. This bill increases that annual receipt and disbursement fee to \$65 *as end* ←

For further information see the *local* 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:

2 SECTION 1. 767.57 (1e) (a) of the statutes is amended to read:

3 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or
4 family support payments, including payments in arrears, and for maintaining the
5 records required under par. (e) sub. (1) (c), the department or its designee shall collect

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1589/3dn

PJK:kjf: *ll*

Date

Sam:

This draft reconciles LRB-1589/2[✓] and LRB-1590/1[✓] by incorporating all of LRB-1590 into LRB-1589. Only LRB-1589 should continue to appear in the compiled bill. LRB-1590 should be dropped from the compile.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1589/3dn
PJK:kjf:rs

January 30, 2007

Sam:

This draft reconciles LRB-1589/2 and LRB-1590/1 by incorporating all of LRB-1590 into LRB-1589. Only LRB-1589 should continue to appear in the compiled bill. LRB-1590 should be dropped from the compile.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Barman, Mike

From: Barman, Mike
Sent: Tuesday, January 30, 2007 1:48 PM
To: Hanaman, Cathlene
Subject: RE: reconciliation

I'll create an "Appendix" for LRB-1589.

Mike

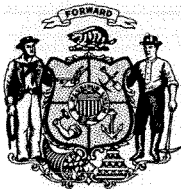
From: Hanaman, Cathlene
Sent: Tuesday, January 30, 2007 1:32 PM
To: Barman, Mike
Subject: FW: reconciliation

From: Kahler, Pam
Sent: Tuesday, January 30, 2007 1:26 PM
To: Hanaman, Cathlene
Subject: reconciliation

Cathlene:

I'm incorporating all of LRB-1590 into LRB-1589. So, 1590 should no longer be in the compile. Will you take care of combining the drafting files, or should I have the PA's copy the 1590 file and put it into the 1589 file?

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1589/3

PJK:kjf:rs

DOA:.....Harshner, BB0402 - Fees to be paid for child support payments
FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

OTHER HEALTH AND HUMAN SERVICES

Under current law, a person who is obligated to pay child or family support must pay an annual fee of \$35 to DWD for receiving and disbursing the child support funds to the person who receives the child or family support. This bill increases that annual receipt and disbursement fee to \$65 and requires DWD to collect an annual fee of \$25 from a person receiving child or family support in addition to the fee paid by the person paying the support.

For further information see the *local* 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:

2 SECTION 1. 20.445 (3) (ja) of the statutes is amended to read:

3 20.445 (3) (ja) *Child support state operations — fees and reimbursements.* All

4 moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise

1 owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57
2 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged
3 and incentive payments and collections retained under s. 49.22 (7m), and under s.
4 49.855 (4) from the department of revenue or the department of administration that
5 were withheld by the department of revenue or the internal revenue service for
6 unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated
7 with receiving and disbursing support and support-related payments, including any
8 contract costs, and for administering the program under s. 49.22 and all other
9 purposes specified in s. 49.22.

10 **SECTION 2.** 767.57 (1e) (title) of the statutes is amended to read:

11 767.57 (1e) (title) RECEIVING AND DISBURSING ~~FEE~~ FEES.

12 **SECTION 3.** 767.57 (1e) (a) of the statutes is amended to read:

13 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or
14 family support payments, including payments in arrears, and for maintaining the
15 records required under ~~par. (e) sub. (1) (c)~~, the department or its designee shall collect
16 an annual fee of ~~\$35~~ \$65 from a party ordered to make payments. The court shall
17 order each party ordered to make payments to pay the fee in each year for which
18 payments are ordered or in which an arrearage in any of those payments is owed.
19 In directing the manner of payment, the court shall order that the fee be withheld
20 from income and sent to the department or its designee, as provided under s. 767.75.
21 Fees under this paragraph shall be deposited in the appropriation account under s.
22 20.445 (3) (ja). At the time of ordering payment of the fee, the court shall notify each
23 party ordered to make payments of the requirement to pay, and the amount of, the
24 fee. If the fee under this paragraph is not paid when due, the department or its

1 designee may not deduct the fee from any maintenance, child or family support, or
2 arrearage payment, but may move the court for a remedial sanction under ch. 785.

3 **SECTION 4.** 767.57 (1e) (c) of the statutes is created to read:

4 767.57 (1e) (c) The department or its designee shall collect an annual fee of \$25
5 from an individual receiving child support or family support payments. The fee shall
6 comply with all requirements under 42 USC 654 (6) (B). The department or its
7 designee may deduct the fee from maintenance, child or family support, or arrearage
8 payments. Fees collected under this paragraph shall be deposited in the
9 appropriation account under s. 20.445 (3) (ja).

10 **SECTION 9454. Effective dates; Workforce Development.**

11 (1) FEE PAID BY CHILD SUPPORT PAYEE. The treatment of sections 20.445 (3) (ja)
12 (by SECTION 1) and 767.57 (1e) (title), (a) (by SECTION 3), and (c) of the statutes takes
13 effect on January 1, 2008.

14 (END)