

2007 DRAFTING REQUEST

Bill

Received: **09/14/2006**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Workforce Development 7-7295**

By/Representing: **Connie Chesnik**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **connie.chesnik@dwd.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Allowing child support enforcement program access to pending paternity case information

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 09/21/2006	jdye 10/10/2006		_____			S&L
/1			rschluet 10/10/2006	_____	lparisi 10/10/2006	lparisi 10/19/2006	

FE Sent For:

↳ At Intro.

<END>

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/?

pkahler

1 10/10 jld

10/10/06

FE Sent For:

<END>

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

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

(Request Made By: DJK) (Date: 9/14/06)



Please transfer the drafting file for

2005 LRB-5088 to the drafting file

for 2007 LRB-0210

The final version of the 2005 draft and the final Request Sheet will be copied on yellow paper, and returned to the original 2005 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 2005 draft was incorporated into a 2007 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2007 drafting file. This request form will be inserted into the "guts" of the 2007 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

---OR---

Please copy the drafting file for

2007 LRB-0210 (include the version) and place it in the

drafting file for 2007 LRB-0210

For research purposes, because the original 2007 draft was incorporated into another 2007 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 2007 drafting file. This request form will be inserted into the "guts" of the new 2007 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.

This file contains 2005 LRB-5088

after conversion to 2007, new
LRB number is -0210

Connie Chesnick asked me to contact
Marcia Vandevork at the state
courts office to discuss problem
w/ LRB-5088

9-14

phone conversation
w/ Marcia Vandercote
staff atty at state court office

problem w/ other draft was still limited
to action dept involved in -
s. 767.853(1) limits to
"same child"

s. 59.40 (2)(p) is also interpreted
as limited to action dept
involved in

problem w/ confidentiality agreement (see
Alan Lee's opinion is no explicit
authority to have access -
"info received in course of admin
program" is circular -
need to have access for admin
in order to get access to be able to say
"received" while administering

main problem; need to open up to cases
dept not involved in

Marcia Vandercote
267-7335 fax 267-0914
marcia.vandercote@wicourts.gov





10/17
State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-0210/2

PJK: ^:....
Jld

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

D-note

gen cat

1 AN ACT ^{D-note}; **relating to:** allowing access to pending paternity proceeding
2 information for purposes of administering the child support establishment
3 program.✓

Analysis by the Legislative Reference Bureau

Under current law, the record of a pending paternity action is confidential, except that the child's parents and the parties to the action and their attorneys may have access to the record, and additional specified persons may have access if the child is the subject of another type of proceeding, such as a juvenile guardianship or delinquency action.✓ For purposes related to the child and spousal support and establishment of paternity and medical support liability program (program)✓, which is administered by the Department of Workforce Development (DWD)✓ in conjunction with county child support agencies, DWD and county child support agencies may obtain information from the clerk of circuit court on a case-by-case basis about any pending paternity action in which DWD or the county child support agency is a party. DWD and county child support agencies, however, are not allowed general access to the Web site✓ that is maintained through the Wisconsin Supreme Court's Circuit Court Automation Project case management system and that contains information about all pending paternity actions.

This bill authorizes DWD✓ and county child support agencies to have statewide access to the records of all pending paternity actions for purposes related to administering the program,✓ regardless of whether DWD or a county child support agency is a party to the action to which a record relates.

For further information see the *state and 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:

1 SECTION 1. 767.853 (2) of the statutes is repealed and recreated to read:

2 767.853 (2) INFORMATION ACCESS TO DEPARTMENT AND CHILD SUPPORT AGENCIES.

3 The clerk of circuit court shall provide access to the record of any pending paternity

4 proceeding to the department or any county child support agency under s. 59.53 (5)

5 for purposes related to administering the child and spousal support and

6 establishment of paternity and medical support liability program under ss. 49.22

7 and 59.53 (5), regardless of whether the department or county child support agency

8 is a party to the proceeding.

9 (END)

Dr. note

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

LRB-0210~~7~~dn
PJK:.....

↑
JK

Connie:

As you can see, I repealed and recreated s. 767.853 (2).[✓] Do you think, however, that you still need the old language in addition to the new language? The old language doesn't seem to add anything to what s. 59.40 (2) (p) already requires.

Access to the paternity proceeding information is given to the department and to county child support agencies.[✓] Does anyone or anything else need access? (In the previous draft, the program itself had access.)

FYI, Marcia Vandercook reviewed the draft and had some very helpful comments. The version of the draft that you have incorporates those comments.

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-0210/1dn
PJK:jld:rs

October 10, 2006

Connie:

As you can see, I repealed and recreated s. 767.853 (2). Do you think, however, that you still need the old language in addition to the new language? The old language doesn't seem to add anything to what s. 59.40 (2) (p) already requires.

Access to the paternity proceeding information is given to the department and to county child support agencies. Does anyone or anything else need access? (In the previous draft, the program itself had access.)

FYI, Marcia Vandercook reviewed the draft and had some very helpful comments. The version of the draft that you have incorporates those comments.

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

Basford, Sarah

From: Chesnik, Connie

Sent: Wednesday, October 18, 2006 4:21 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-0210/1 Topic: Allowing child support enforcement program access to pending paternity case information

Please Jacket LRB 07-0210/1 for the ASSEMBLY.



State of Wisconsin
LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX -
PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 10/24/2006 (Per: PIK)



Appendix A

The 2007 drafting file for LRB 07-0210
has been copied/added to the 2007 drafting file for

LRB 07-0574

*Done
GMB*

100 The attached 2007 draft was incorporated into the new 2007 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as an appendix, to the new 2007 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

101 This cover sheet was added to rear of the original 2007 drafting file. The drafting file was then returned, intact, to its folder and filed.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Please jacket LRB-0210/1
for the Assembly and
send it all to

Rep. Seidel

Thanks!

Pam

01-08-2006

*Concise
copy*

Barman, Mike

From: Barman, Mike
Sent: Friday, February 02, 2007 7:51 AM
To: Kahler, Pam
Subject: FW: Message for Pam Kahler

From: Nancy Rottier [mailto:Nancy.Rottier@wicourts.gov]
Sent: Thursday, February 01, 2007 5:48 PM
To: LRB.Legal
Cc: Jean Bousquet; John Voelker
Subject: Message for Pam Kahler

Pam,

I wanted to bring one technical item to your attention relating to SB 13 and AB 39, companion bills relating to access to paternity records by child support staff. In the LRB analysis, there is an incorrect listing of the CCAP case management system. CCAP stands for Consolidated Court Automation Programs not Circuit Court Automation Program. The current CCAP was formed in July 2001 by combining two court computer departments, the former Circuit Court Automation Program and the Office of Information Technology Services. I hope it will be possible to correct this error and that this information is helpful to you for the future. Please contact me if you have any questions.

Nancy M. Rottier
Legislative Liaison
Supreme Court
16 East, State Capitol
P.O. Box 1688
Madison, WI 53701-1688
(608) 267-9733
(608) 267-0980 (fax)
Nancy.Rottier@wicourts.gov

Hanaman, Cathlene

From: Nancy Rottier [Nancy.Rottier@wicourts.gov]
Sent: Thursday, February 08, 2007 11:05 AM
To: Hanaman, Cathlene
Cc: Jean Bousquet
Subject: Re:

Cathlene,

Thanks for getting back to me. The proper term is "Consolidated Court Automation Programs." Here's a link to the court's webpage that describes the merger of the programs and the name change.

<http://www.wicourts.gov/about/organization/offices/ccap.htm>

Let me know if you have any other questions.

>>> "Hanaman, Cathlene" <Cathlene.Hanaman@legis.wisconsin.gov> 02/08/07
9:37 AM >>>
Nancy,

We are preparing to do corrected copies of SB-13 and AB-39. I just want to confirm that the term "Circuit Court Automation Project" in the analysis should be replaced with "Consolidated Court Automation Programs."

Please confirm or correct me.

Thanks,
Cathlene



2007 ASSEMBLY BILL 39

January 30, 2007 - Introduced by Representatives SEIDEL, GUNDRUM, ALBERS, JESKEWITZ, KESSLER, KREUSER, LEMAHIEU, MOLEPSKE, MURSAU, NELSON, NEWCOMER, SHERIDAN, STEINBRINK, TURNER, A. OTT and HRAYCHUCK, cosponsored by Senators TAYLOR, GROTHMAN, KEDZIE, LASSA, LAZICH, OLSEN and COWLES. Referred to Committee on Children and Family Law.

- 1 **AN ACT to repeal and recreate** 767.853 (2) of the statutes; **relating to:** allowing
2 access to pending paternity proceeding information for purposes of
3 administering the child support establishment program.

Analysis by the Legislative Reference Bureau

Under current law, the record of a pending paternity action is confidential, except that the child's parents and the parties to the action and their attorneys may have access to the record, and additional specified persons may have access if the child is the subject of another type of proceeding, such as a juvenile guardianship or delinquency action. For purposes related to the child and spousal support and establishment of paternity and medical support liability program (program), which is administered by the Department of Workforce Development (DWD) in conjunction with county child support agencies, DWD and county child support agencies may obtain information from the clerk of circuit court on a case-by-case basis about any pending paternity action in which DWD or the county child support agency is a party. DWD and county child support agencies, however, are not allowed general access to the Web site that is maintained through the Wisconsin Supreme Court's ~~Circuit Court Automation Project~~ case management system and that contains information about all pending paternity actions.

This bill authorizes DWD and county child support agencies to have statewide access to the records of all pending paternity actions for purposes related to administering the program, regardless of whether DWD or a county child support agency is a party to the action to which a record relates.

Programs

Consolidated



State of Wisconsin
2007 - 2008 LEGISLATURE

Corrected
COPY
LRB-0210/1
PJK:jld:rs

2007 ASSEMBLY BILL 39

January 30, 2007 - Introduced by Representatives SEIDEL, GUNDRUM, ALBERS, JESKEWITZ, KESSLER, KREUSER, LEMAHIEU, MOLEPSKE, MURSAU, NELSON, NEWCOMER, SHERIDAN, STEINBRINK, TURNER, A. OTT and HRAYCHUCK, cosponsored by Senators TAYLOR, GROTHMAN, KEDZIE, LASSA, LAZICH, OLSEN and COWLES. Referred to Committee on Children and Family Law.

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