

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2081/1dn
PJK:nwn:ph

August 4, 2009

In the uniform act, two alternatives were provided for s. 769.307 (1). One is current law. For the other alternative, a legislative note in the uniform act provides that the state legislature may choose to adopt the second alternative “if the federal legislation enabling the entry into force of the Convention contains a provision authorizing an option for the state enforcement agency to accept or reject an application for services originating in a foreign country that is not a country defined in Section 102(5)(A) or (D) (which is s. 769.101 (3c) (a) or (d) in the draft), a foreign reciprocating country or a foreign treaty country respectively.”

Rick Champagne advises that there is no federal legislation yet. Please advise how you would like to deal with this in the draft. One option would be to retain current law and substitute the second alternative as an amendment if the federal legislation passes before the bill passes. Another option would be to include the second alternative in the bill with an effective date that is the date published by the Department of Children and Families in the Wisconsin Administrative Register if and when the federal legislation passes. The problem with this second option is that the statutes may include language that is never in effect.

For your information, amending current law to produce the second alternative provided in the uniform act would look like this:

SECTION 1. 769.307 (1) of the statutes is renumbered 769.307 (1) (intro.)

and amended to read:

769.307 (1) (intro.) ~~A~~ In a proceeding under this chapter, a support enforcement agency of this state, upon request, shall:

(a) Shall provide services to a petitioner in a proceeding under this chapter residing in a state.

SECTION 2. 769.307 (1) (b) of the statutes is created to read:

769.307 (1) (b) Shall provide services to a petitioner requesting services through a central authority of a foreign country as described in s. 769.101 (3c) (a) or (d).

SECTION 3. 769.307 (1) (c) of the statutes is created to read:

769.307 (1) (c) May provide services to a petitioner who is an individual not residing in a state.”

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