

















State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 10/01/2013 (Per: EHS)

Appendix D1

- Appendix A1  The drafting file for LRB 13-0480 (used to create 13-3303)
- Appendix A2  The drafting file for LRB 11-0558 (used to create 13-0480)
- Appendix B1  The drafting file for LRB 13-0481 (used to create 13-3303)
- Appendix B2  The drafting file for LRB 11-0559 (used to create 13-0481)
- Appendix C1  The drafting file for LRB 13-0482 (used to create 13-3303)
- Appendix C2  The drafting file for LRB 11-0560 (used to create 13-0482)
-  Appendix D1  The drafting file for LRB 13-0483 (used to create 13-3303)
- Appendix D2  The drafting file for LRB 11-0563 (used to create 13-0483)
- Appendix E  The drafting file for LRB 13-0484 (used to create 13-3303)
- Appendix F  The drafting file for LRB 13-0486 (used to create 13-3303)
- Appendix G  The drafting file for LRB 13-0487 (used to create 13-3303)
- Appendix H  The drafting file for LRB 13-0488 (used to create 13-3303)
- Appendix I  The drafting file for LRB 13-0489 (used to create 13-3303)

has been transferred to the drafting file for

2013 LRB-3303

2013 DRAFTING REQUEST

Bill

Received: **11/1/2012** Received By: **pkahler**
 Wanted: **As time permits** Same as LRB:
 For: **Legislative Council - LRC** By/Representing: **Anne Sappenfield**
 May Contact: Drafter: **pkahler**
 Subject: **Dom. Rel. - child support/maint.** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Anne.Sappenfield@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Release of frozen accounts

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 11/5/2012	kfollett 11/13/2012		_____			
/1			jmurphy 11/14/2012	_____	sbasford 11/14/2012		

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 11/1/2012 Received By: pkahler
Wanted: As time permits Same as LRB:
For: Legislative Council - LRC By/Representing: Anne Sappenfield
May Contact: Drafter: pkahler
Subject: Dom. Rel. - child support/maint. Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Anne.Sappenfield@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Release of frozen accounts

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						

pkahler
ph

FE Sent For:

<END>

Kahler, Pam

From: Malaise, Gordon
Sent: Thursday, November 01, 2012 3:47 PM
To: Kahler, Pam
Subject: FW: DCF Law Revision Proposals
Attachments: 20121031101703927.pdf; LRB-0568--2 Last session law revision bill (SB 460).pdf; LRB-0568-P1 CW #1 Notice to unborn child.pdf; LRB-0569-P1 CW #2 & #3 Abuse & neglect + Foster parent training.pdf; LRB-0558-P1 CS #1 voluntary paternity - minors.pdf; LRB-4038-P1 CC #2 Criminal History of Child Care Licensees.pdf; LRB-0559-P1 CS #3 GAL & deceased respondents.pdf; LRB-0563-P1 CS #4 Release of frozen accounts.pdf; LRB-0560-P1 CS #2 Paternity summons imprisonment.pdf

Pam:

The redrafts of 11-0558, 11-0559, 11-560, and 11-0563 are yours as is Item 1 under Child Care in the Secretary's memo relating to Shares Child Care Subsidy Eligibility Services.

The redrafts of 11-0568, 11-0569, and 11-4038 are mine.

Gordon

From: Sappenfield, Anne
Sent: Thursday, November 01, 2012 2:25 PM
To: Malaise, Gordon
Subject: FW: DCF Law Revision Proposals

Hi Gordon,

I am attaching DCF's requests to the Law Revision Committee for remedial legislation for next session.

Let me know if you have any questions.

Thanks!
Anne

From: DCF Secretary Eloise Anderson [<mailto:DCFSecretaryEloiseAnderson@wisconsin.gov>]
Sent: Wednesday, October 31, 2012 10:30 AM
To: Sappenfield, Anne
Cc: Archer, Cynthia - DCF; Lippert, MaryAnn - DCF
Subject: DCF Law Revision Proposals

Attached please find the Department of Children and Families remedial legislation proposals for consideration. A hard copy will follow in the mail.

~~Earlier LRB Draft: LRB-0559/P1 and LRB-0568/2 [2011 Senate Bill 460]~~

4. Release of Frozen Financial Institution Accounts

Specific Statutory Change:

Amend s. 49.854 (5) (f) to require the department to instruct the financial institution to release a frozen account when the court determines that the child support arrears are not owed.

Administrative or Substantive Problem with Current Law and Need for the Change:

Section 49.854 (5) (f) provides that if a payer requests a court hearing after his or her financial accounts have been frozen due to child support arrears, and the court determines that the arrears are not owed, the department must return the seized funds to the payer. However, the department is not in possession of the funds as the account has simply been frozen.

Fiscal Effect: None

Earlier LRB Draft: LRB-0563/P1 and LRB-0568/2 [2011 Senate Bill 460]

Child Care

1. Shares Child Care Subsidy Eligibility Services

Specific Statutory Change:

Amend s. 49.155 (1m) (a) (4) and (5) to replace "Wisconsin works agency" with "the department or county department or agency determining eligibility" consistent with all other eligibility agency references in s. 49.155 (1m).

"4. If the ~~Wisconsin works agency~~ determines that basic education would facilitate the individual's efforts to maintain employment, participate in basic education, including an English as a 2nd language course; literacy tutoring; or a course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation. An individual may receive aid under this subdivision for up to 2 years.

5. Participate in a course of study at a technical college, or participate in educational courses that provide an employment skill, as determined by the department, if the ~~Wisconsin works agency~~ determines that the course or courses would facilitate the individual's efforts to maintain employment. An individual may receive aid under this subdivision for up to 2 years."

Administrative or Substantive Problem with Current Law and Need for the Change:

2009 Wisconsin Act 28 amended s. 49.155 (1m) to designate that for Shares program eligibility services outside Milwaukee County, the department shall contract with a "county department or agency" (as defined in s. 49.155 (1) (ah)) to determine the Shares eligibility of individuals residing outside Milwaukee County. Prior to this change, W2 agencies were the only agencies designated in statute to perform eligibility services for the Shares child care subsidy program. Consistent with the Act 28 changes, the department currently contracts with counties and tribes (not W2 agencies) for Shares eligibility services outside Milwaukee County. 2009 Wisconsin Act 28 failed to replace the references to "Wisconsin works" in the above two paragraphs of s. 49.155 (1m) with "the department or county department or agency determining eligibility" as used throughout the remainder of s. 49.155 (1m).

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: PJK) (Date: 11 / 2 / 12)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for
2011 LRB 0563 (For: ~~Rep~~/Sen. LRC)

to the drafting file for

2013 LRB 0483 (For: ~~Rep~~/Sen. LRC)

-----OR-----

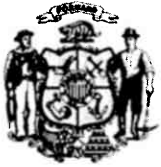
Please copy the drafting file for
2013 LRB _____ (For: _____/Sen. _____)

and place it in the drafting file for

2013 LRB _____ (For: _____/Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____



State of Wisconsin
2011 - 2012 LEGISLATURE
2013-2014



LRB-0563/2
PJK:kjfr

0483/1

kjf
r m not seen

2013
2011 BILL

(in 11-5)
PWF
on 11/13

Regenerate ↓

- 1 AN ACT to amend 20.437 (2) (r) and 49.854 (5) (f) of the statutes; relating to:
- 2 releasing a frozen bank account of a support obligor (suggested as remedial
- 3 legislation by the Department of Children and Families).

Analysis by the Legislative Reference Bureau

Under current law, if a person who has been ordered by a court to pay child support (obligor) is delinquent in the payments, the amount of the delinquency becomes a lien in favor of the Department of Children and Families (DCF). To enforce the lien, DCF may levy against one or more accounts that the obligor has at a financial institution by sending a notice of levy to the financial institution instructing the financial institution to prohibit the closing of or withdrawals from the account, up to the amount that is sufficient to pay the amount of the delinquency. If the obligor requests a hearing and at the hearing the court orders an alternative payment arrangement or determines that the obligor does not owe the support, or owes less than the amount claimed by DCF, the court must, under current law, order DCF to return the seized funds or the excess of the seized funds over the delinquent amount. Since DCF has not actually seized the funds, this bill requires the court to order DCF to instruct the financial institution to release the account, or funds in the account that exceed the delinquent amount, to the obligor.

X
X

place any financial institution and levying fees

BILL

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 SECTION 1. 20.437 (2) (r) of the statutes is amended to read:
2 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
3 support collections trust fund, except as provided in par. (qm), all moneys received
4 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
5 received under ss. 767.57 and 767.75 for child or family support, maintenance,
6 spousal support, health care expenses, or birth expenses, all other moneys received
7 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
8 and all moneys received under s. 49.855 (4) from the department of revenue or the
9 department of administration that were withheld by the department of revenue or
10 the internal revenue service for delinquent child support, family support, or
11 maintenance or outstanding court-ordered amounts for past support, medical
12 expenses, or birth expenses, for disbursement to the persons for whom the payments
13 are awarded, ~~for returning seized funds under s. 49.854 (5) (f), and, if assigned under~~
14 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
15 (2) (bm), for transfer to the appropriation account under par. (k). Estimated
16 disbursements under this paragraph shall not be included in the schedule under s.
17 20.005.

NOTE: Removes as a purpose of the support collections trust fund returning funds seized from a financial institution. This reflects that a financial institution freezes

BILL

accounts at the request of the Department of Children and Families upon notice of levy but the department does not seize the funds until an opportunity for a hearing is afforded.

1 **SECTION 2.** 49.854 (5) (f) of the statutes ^{is} amended to read:

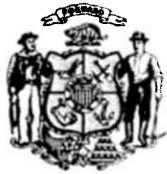
2 49.854 (5) (f) *Hearings.* A hearing requested under par. (d) 6. shall be
3 conducted before the circuit court rendering the order to pay support. Within 45
4 business days after receiving a request for hearing under par. (d) 6., the court shall
5 conduct the hearing. A circuit court commissioner may conduct the hearing. The
6 hearing shall be limited to a review of whether the account holder owes the amount
7 of support certified and whether any alternative payment arrangement offered by
8 the department or the county child support agency is reasonable. If the court or
9 circuit court commissioner makes a written determination that an alternative
10 payment arrangement offered by the department or county child support agency is
11 not reasonable, the court or circuit court commissioner may order an alternative
12 payment arrangement. If the court or circuit court commissioner orders an
13 alternative payment arrangement, the court ^{or} circuit court commissioner shall
14 order the department to instruct the financial institution to release all or a portion
15 of the funds. If the court or circuit court commissioner determines that the account
16 holder does not owe support or owes less than the amount claimed by the
17 department, the court shall order the department to ~~return the seized funds~~ instruct
18 the financial institution to release the funds in the account or the excess of ~~the seized~~
19 ~~those~~ funds over the amount of the delinquency to the account holder. If a circuit
20 court commissioner conducts the hearing under this paragraph, the department or
21 the obligor may, within 15 business days after the date that the circuit court
22 commissioner makes his or her decision, request review of the decision by the court
23 with jurisdiction over the action.

BILL

NOTE: In a hearing relating to a levy against a delinquent obligor's financial account, provides that the court may order the department to instruct the financial institution to release all or a portion of the funds, instead of ordering the department to release the funds.

1

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0483/1
PJK:kjf:jm

2013 BILL

- 1 **AN ACT to amend** 20.437 (2) (r) and 49.854 (5) (f) of the statutes; **relating to:**
2 releasing a frozen bank account of a support obligor (suggested as remedial
3 legislation by the Department of Children and Families).

Analysis by the Legislative Reference Bureau

Under current law, if a person who has been ordered by a court to pay child support (obligor) is delinquent in the payments, the amount of the delinquency becomes a lien in favor of the Department of Children and Families (DCF). To enforce the lien, DCF may levy against one or more accounts that the obligor has at a financial institution by sending a notice of levy to the financial institution instructing the financial institution to prohibit the closing of or withdrawals from the account, up to the amount that is sufficient to pay the amount of the delinquency plus any financial institution and levying fees. If the obligor requests a hearing and at the hearing the court orders an alternative payment arrangement or determines that the obligor does not owe the support, or owes less than the amount claimed by DCF, the court must, under current law, order DCF to return the seized funds or the excess of the seized funds over the delinquent amount. Since DCF does not actually seize the funds, this bill requires the court to order DCF to instruct the financial institution to release the account, or funds in the account that exceed the delinquent amount, to the obligor.

BILL

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Children and Families and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

1 **SECTION 1.** 20.437 (2) (r) of the statutes is amended to read:

2 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
3 support collections trust fund, except as provided in par. (qm), all moneys received
4 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
5 received under ss. 767.57 and 767.75 for child or family support, maintenance,
6 spousal support, health care expenses, or birth expenses, all other moneys received
7 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
8 and all moneys received under s. 49.855 (4) from the department of revenue or the
9 department of administration that were withheld by the department of revenue or
10 the internal revenue service for delinquent child support, family support, or
11 maintenance or outstanding court-ordered amounts for past support, medical
12 expenses, or birth expenses, for disbursement to the persons for whom the payments
13 are awarded, ~~for returning seized funds under s. 49.854 (5) (f),~~ and, if assigned under
14 s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775
15 (2) (bm), for transfer to the appropriation account under par. (k). Estimated
16 disbursements under this paragraph shall not be included in the schedule under s.
17 20.005.

NOTE: Removes as a purpose of the support collections trust fund returning funds seized from a financial institution. This reflects that a financial institution freezes

BILL

accounts at the request of the Department of Children and Families upon notice of levy but the department does not seize the funds until an opportunity for a hearing is afforded.

1 **SECTION 2.** 49.854 (5) (f) of the statutes is amended to read:

2 49.854 (5) (f) *Hearings.* A hearing requested under par. (d) 6. shall be
3 conducted before the circuit court rendering the order to pay support. Within 45
4 business days after receiving a request for hearing under par. (d) 6., the court shall
5 conduct the hearing. A circuit court commissioner may conduct the hearing. The
6 hearing shall be limited to a review of whether the account holder owes the amount
7 of support certified and whether any alternative payment arrangement offered by
8 the department or the county child support agency is reasonable. If the court or
9 circuit court commissioner makes a written determination that an alternative
10 payment arrangement offered by the department or county child support agency is
11 not reasonable, the court or circuit court commissioner may order an alternative
12 payment arrangement. If the court or circuit court commissioner orders an
13 alternative payment arrangement, the court or circuit court commissioner shall
14 order the department to instruct the financial institution to release all or a portion
15 of the funds. If the court or circuit court commissioner determines that the account
16 holder does not owe support or owes less than the amount claimed by the
17 department, the court shall order the department to ~~return the seized funds~~ instruct
18 the financial institution to release the funds in the account or the excess of ~~the seized~~
19 those funds over the amount of the delinquency to the account holder. If a circuit
20 court commissioner conducts the hearing under this paragraph, the department or
21 the obligor may, within 15 business days after the date that the circuit court
22 commissioner makes his or her decision, request review of the decision by the court
23 with jurisdiction over the action.

BILL

NOTE: In a hearing relating to a levy against a delinquent obligor's financial account, provides that the court may order the department to instruct the financial institution to release all or a portion of the funds, instead of ordering the department to release the funds.

1

(END)