



## Fiscal Estimate Narratives

CTS 1/13/2014

LRB Number	13-3081/1	Introduction Number	AB-0540	Estimate Type	Original
<b>Description</b> Presumption that equalizing physical placement to the highest degree is in the child's best interest and child support changes, including prohibiting basing support on income over \$150,000 per year, deducting the amount of health insurance premiums from the support amount, prohibiting increasing support above the standard amount, prohibiting orders that set minimum future support amounts, and requiring a support revision if there has been a substantial change in circumstances					

### Assumptions Used in Arriving at Fiscal Estimate

This bill makes several changes to actions affecting the family. In proceedings in which the court allocates periods of physical placement, it creates a rebuttable presumption that equal physical placement is in the best interest of the child. In proceedings concerning child support, it does the following: (1) changes the percentage standard for high income earners; (2) eliminates some income that currently may be considered or imputed; (3) requires that courts deduct amounts paid by a parent for health insurance premiums; (4) eliminates the court's discretion to increase an award of child support; (5) in some circumstances, requires the court to find a substantial change of circumstances and to revise the child support payment order; and (6) voids certain orders for minimum child support payments.

In each of the calendar years 2010, 2011 and 2012, there were more than 20,000 divorce cases filed in Wisconsin's circuit courts. Not all divorce actions involve issues of placement and child support. Many divorce cases require hearings beyond the year it is filed; the courts retain jurisdiction to modify custody, placement and child support even after a judgment of divorce is granted. In addition, more than 5,000 separate actions are filed each year to enforce or modify maintenance and support orders.

Because of the volume of family law actions filed in a year, there could be workload impacts on the circuit courts if this bill results in a substantial change of behavior among parties involved in family law actions. It is impossible to determine how behavior of the parties might change as a result of this bill.

This bill may also have an impact on counties because many of the court proceedings impacted by the bill, particularly temporary hearings and motions to modify judgments, are conducted by or heard by court commissioners. Court commissioners are paid by the counties.

In addition, there are numerous appeals of family law cases filed each year with the Court of Appeals and Supreme Court that not only seek to determine the outcome for the parties involved but also seek to clarify the meaning of the family law statutes for other judges and practitioners. For the appellate courts, it is likely this bill will result in increased litigation for several years until the changes in the statutes can be clarified.

The following information is provided to give some guidance on the current workload generated by family law actions.

To determine the impact on required judicial resources of family law actions, we have relied on the Judicial Needs Assessment 2006, submitted to the Director of State Courts by the National Center for State Courts. For this study, all Wisconsin judges and court commissioners participated in a time study designed to measure the time currently spent processing different types of cases from initial filing to final resolution. The time study included pre-trial activities, trial activities, and post-judgment activities. Among the case types studied were divorce cases and other family law cases (which would include modification of physical placement and child support). According to the study, each divorce case took 183.6 minutes of judicial time, while each other family law case took 35.5 minutes of judicial time. Multiplying the amount of time required for each case by the thousands of these types of cases filed each year shows the large portion of the court's workload that is spent in the area of family law.

### Long-Range Fiscal Implications