



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2013 Wisconsin Act 170
[2013 Assembly Bill 566]

**Department of Children and
Families Remedial Legislation**

2013 Wisconsin Act 170 is remedial legislation, introduced by the Joint Legislative Council's Law Revision Committee at the request of the Department of Children and Families (DCF).

The Act does the following:

- Removes returning funds seized from a financial institution as a purpose for which the Wisconsin Support Collections Trust Fund may be used. This change reflects that, under current law, a financial institution freezes accounts at the request of DCF upon notice of a levy due to unpaid support, but DCF does not seize the funds until an opportunity for a hearing is afforded.
- In a hearing relating to a levy against a delinquent support obligor's financial account, provides that the court may order DCF to instruct the financial institution to release all or a portion of the funds that are frozen instead of ordering DCF to release the funds.
- Modifies provisions of the Children's Code relating to proceedings in which an unborn child is alleged to be in need of protection or services so that notices must be given to and rights must be exercised by the unborn child's guardian ad litem (GAL) instead of by the unborn child through the unborn child's GAL.
- Repeals a statute that requires DCF to develop a voluntary foster parent education program for foster parents who provide care for children with special treatment needs. Foster parent training is mandatory under current law.
- Removes the reference to the offense of armed robbery from the list of crimes for which, except for purposes of being a nonclient resident or caregiver, a person may

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.wisconsin.gov>.

demonstrate that he or she has been rehabilitated for purposes of a background check for licenses issued under the Children's Code. This offense is also listed in the offenses for which a person may demonstrate that he or she has been rehabilitated, and a review of the drafting record indicates that the inclusion of the offense in the list of offenses for which a person, other than a nonclient resident or a caregiver, may demonstrate rehabilitation was in error.

- Requires a child abuse or neglect investigation to be initiated within 24 hours after receiving a report of alleged child abuse or neglect if the agency cannot identify an individual who is suspected of abusing or neglecting the child. Under prior law, the agency was required to initiate a diligent investigation to determine if the child is in need of protection or services within 24 hours after receiving such a report if the agency could not determine who abused or neglected the child.
- For purposes of eligibility for the Wisconsin Shares child care subsidy, provides that DCF, or a county department of human or social services or an agency with which DCF contracts, may determine that certain educational activities would facilitate the individual's efforts to maintain employment. This change reflects that, under current law, DCF, a county department, or an agency with which DCF contracts determines eligibility for the Wisconsin Shares program.
- Modifies the statutes relating to rescinding a statement acknowledging paternity and relating to inserting the name of a father on a birth certificate pursuant to an acknowledgement of paternity so that they reflect that a minor father may not sign an acknowledgement of paternity. In addition, removes a reference to appointing a GAL in an action to establish child custody and placement for a father who has acknowledged paternity because a minor may not acknowledge paternity under current law.
- Changes the form for a summons in a paternity action to correctly reflect that interfering with the custody of a child may be punished by imprisonment not to exceed three years and six months instead of five years.
- Provides that in a paternity action in which the respondent is deceased, either the personal representative or the GAL for the deceased respondent must be served with the summons and petition. Under current law, a personal representative or a GAL may appear for a deceased respondent; however, prior law required both to be served with the summons or petition.

Effective date: Act 170 took effect on March 29, 2014.

Prepared by: Anne Sappenfield, Principal Attorney

April 2, 2014

AS:jb;ksm