

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/5/2014** Received By: **pkahler**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Major**  
May Contact: Drafter: **pkahler**  
Subject: **Dom. Rel. - child support/maint.** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **Peggy.Hurley@legis.wisconsin.gov**  
**sbostatlanguage@webapps.wi.gov**

---

**Pre Topic:**

DOA:.....Major, BB0076 -

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**Topic:**

Requiring financial institutions to pay levies submitted by other states

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**Instructions:**

See attached

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**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 9/5/2014	wjackson 9/8/2014		_____			
/P1	pkahler 9/25/2014		rschluet 9/8/2014	_____	sbasford 9/8/2014		State
/1		wjackson 9/26/2014	rschluet 9/26/2014	_____	sbasford 9/26/2014		State

FE Sent For:

**<END>**

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/?	pkahler 9/5/2014	wjackson 9/8/2014		_____			
/P1	pkahler	1 wly 9/26	rschluet 9/8/2014	_____	sbasford 9/8/2014		State

FE Sent For:

**<END>**

**Kahler, Pam**

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**From:** Hanaman, Cathlene  
**Sent:** Thursday, September 25, 2014 3:14 PM  
**To:** Kahler, Pam; Malaise, Gordon; Shea, Elisabeth  
**Subject:** FW: Statutory Language Drafting Request - BB0076

---

**From:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov) [mailto:[katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)]  
**Sent:** Thursday, September 25, 2014 3:11 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Major, Katrina L - DOA; Connor, Christopher B - DOA  
**Subject:** Statutory Language Drafting Request - BB0076

Biennial Budget: 2015-17

DOA Tracking Code: BB0076

Topic: Admin Child Support Enforcement of Other States' Liens 0020

SBO Team: GGCF

SBO Analyst: Major, Katrina L - DOA  
Phone: 608-266-2288  
E-mail: [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)

Agency Acronym: DCF

Agency Number: 437

Priority: Medium

Intent:

LRB 0020

Attachments: False

Please send completed drafts to [SBOSatlanguage@webapps.wi.gov](mailto:SBOSatlanguage@webapps.wi.gov)

**2015 DRAFTING REQUEST**

**Bill**

Received: **9/5/2014** Received By: **pkahler**  
Wanted: **As time permits** Same as LRB:  
For: **Children and Families** By/Representing: **Kim Swissdorf**  
May Contact: Drafter: **pkahler**  
Subject: **Dom. Rel. - child support/maint.** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **KimM.Swissdorf@wisconsin.gov**  
Carbon copy (CC) to: **Peggy.Hurley@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Requiring financial institutions to pay levies submitted by other states

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**Instructions:**

See attached

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/? pkahler

1/Pl WJ 9/8

8  
9/8/14

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FE Sent For:

<END>

**Kahler, Pam**

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**From:** Swissdorf, Kim M - DCF <KimM.Swissdorf@wisconsin.gov>  
**Sent:** Thursday, September 04, 2014 10:44 AM  
**To:** Kahler, Pam  
**Subject:** draft # 4551/P1

Morning Pam—

I got a couple of comments back for this draft:

It would be nice to include a reference to 42 USC 666(a)(14) in the analysis. This legislation is being pursued to meet a federal requirement and our federal funding is potentially at risk so I'd like to have that made clear.

Second, to answer her question, we would prefer to keep 49.854(5)(c) as is and add the option of having another state send their levy directly to the financial institution. If the language is removed and the other state sends their levy request to us, we would be without any authority to enforce it unless we registered their order under UIFSA.

I think the first one related to your summary, and the second one is in response to the drafter's note.

**Kim Swissdorf**  
*Budget and Policy Manager*  
Department of Children and Families

---

201 East Washington Avenue  
Madison, WI 53703

T: (608) 261-0616  
E: [KimM.Swissdorf@wisconsin.gov](mailto:KimM.Swissdorf@wisconsin.gov)

\*\*\*\*\*

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*first version was under 2013 number -4551*

# "RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

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


(Request Made By: PJK) (Date: 9/5/14)

## Note:

**BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"**

*(exception: companion bills)*




 Please transfer the drafting file for  
**2013** LRB 4551 (For: Rep. / Sen. DCF)

to the drafting file for

**2013** LRB 0020 (For: Rep. / Sen. DCF)

-----OR-----

 Please copy the drafting file for  
**2013** LRB \_\_\_\_\_ / \_\_\_\_\_ (For: Rep. / Sen. \_\_\_\_\_)

and place it in the drafting file for

**2013** LRB \_\_\_\_\_ (For: Rep. / 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: \_\_\_\_\_





WJ  
r m u f r w n j

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

(w 9-5)  
D-into

regenerate ↓

- 1 AN ACT to amend 49.854 (5) (c) of the statutes; relating to: requiring financial
- 2 institutions to honor lien levies submitted directly by other states.

***Analysis by the Legislative Reference Bureau***

Under current law, if a person who owes child support under a court order (obligor) is delinquent in the payment of support, the amount of the delinquent support is entered on the statewide support lien docket and becomes a lien in favor of the Department of Children and Families (DCF). DCF may enforce the lien by sending a notice of levy to a financial institution at which the obligor has an account, instructing the financial institution to prohibit the closing of or withdrawals from the account. DCF may also send to a financial institution a request from another state to enforce a child support lien in favor of the other state, along with a certification that any due process requirements have been met in the other state and a request that the financial institution send the amount specified in the request directly to the other state, as well as the address to which the funds must be sent. Under this bill, instead of DCF sending a request from another state to enforce a lien in favor of the other state, a financial institution is required to honor a notice of levy or request to enforce a lien in favor of another state that it receives directly from the other state or a child support agency in the other state, along with a certification by the other state that any due process requirements have been met in the other state. The financial institution must send the amount specified in the notice or request, up to the amount contained in the obligor's account or accounts minus the financial institution fees and estimated levy fees and costs.

→ insert A-1

→ insert A-2

For further information see the *state* 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:*

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

49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a financial institution receives directly from another state, or a child support agency in another state, a notice of levy or request to enforce a lien under par. (b) is in favor of another that other state, the notice sent by the department to the financial institution may consist of the request from the other state to enforce the lien, along with a certification by the department other state that any necessary due process requirements were met in the other state, a request that the financial institution shall honor the notice of levy or request from the other state by sending the amount specified in the notice of levy or request, up to the amount contained in the account or accounts minus the financial institution fees under par. (e) and levy fees under sub. (11) (a), directly to the other state, and at the address to which the financial institution shall is directed to send the funds in the notice or request. Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor of another state.

(END)

Insert 2-15

D-note

2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0020/ins  
PJK:.....

*to enforce the other state's*

INSERT A-1

*not* in addition to sending child support to another state in response to a request sent by DCF

(END OF INSERT A-1)

INSERT A-2

*not* According to DCF, requiring financial institutions to honor levies in favor of other states that are sent directly by the other states is necessary to comply with federal law.

(END OF INSERT A-2)

INSERT 2-15

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

3           49.854 (5) (c) 1. Notwithstanding par. (b), if a lien under par. (b) is in favor of  
4 another state, the notice sent by the department to the financial institution may  
5 consist of the request from the other state to enforce the lien, a certification by the  
6 department that any necessary due process requirements were met in the other  
7 state, a request that the financial institution honor the request from the other state  
8 by sending the amount specified in the request directly to the other state, and the  
9 address to which the financial institution shall send the funds.

10           3. Notice and hearing requirements under pars. (d) and (f) do not apply to a lien  
11 in favor of another state.

History: 1997 a. 191; 1999 a. 9; 2001 a. 61; 2003 a. 33; 2007 a. 20; 2013 a. 170.

12           **SECTION 2.** 49.854 (5) (c) 2. of the statutes is created to read:

13           49.854 (5) (c) 2. If a financial institution receives directly from another state,  
14 or a child support agency in another state, a notice of levy or request to enforce a lien  
15 in favor of that other state, along with a certification by the other state that any

1 necessary due process requirements were met in the other state, the financial  
2 institution shall honor the notice of levy or request from the other state by sending  
3 the amount specified in the notice of levy or request, up to the amount contained in  
4 the account or accounts minus any financial institution fee under par. (e) and levy  
5 fee under sub. (11) (a), directly to the other state at the address to which the financial  
6 institution is directed to send the funds in the notice or request.

7 **SECTION 3.** 49.854 (5) (e) of the statutes is amended to read:

8 49.854 (5) (e) *Financial institution fees.* A financial institution may continue  
9 to collect fees, under the terms of the account agreement, on accounts frozen or levied  
10 against under this subsection. In addition to the levy fee authorized under sub. (11)  
11 (a), a financial institution may collect any early withdrawal penalty incurred under  
12 the terms of an account as a result of the levy. Financial institution fees authorized  
13 under this paragraph may be charged to the account immediately prior to the  
14 remittance of the amount to the department or the other state and may be charged  
15 even if the amounts in the obligor's accounts are insufficient to pay the total amount  
16 of support owed and the department's levy costs under sub. (11) (b).

History: 1997 a. 191; 1999 a. 9; 2001 a. 61; 2003 a. 33; 2007 a. 20; 2013 a. 170.

(END OF INSERT 2-15)

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

LRB-0020/3dn  
PJK:.....

PI  
r must have

Date

This draft is the new 2015 version that replaces the 2013 version (LRB-4551). It allows DCF to send a financial institution a request to enforce another state's levy as well as another state directly to send a financial institution a request to enforce its levy. Let me know if you want the procedure changed in any way.

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

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

LRB-0020/P1dn  
PJK:wlj:rs

September 8, 2014

This draft is the new 2015 version that replaces the 2013 version (LRB-4551). It allows DCF to send a financial institution a request to enforce another state's levy as well as another state directly to send a financial institution a request to enforce its levy. Let me know if you want the procedure changed in any way.

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



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0020/PA

PJK:wjhrs

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~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(in 9-25)

do not gen cost  
↓

1 AN ACT *to renumber and amend* 49.854 (5) (c); *to amend* 49.854 (5) (e); and  
2 *to create* 49.854 (5) (c) 2. of the statutes; **relating to:** requiring financial  
3 institutions to honor lien levies submitted directly by other states. *the budget*

*Analysis by the Legislative Reference Bureau*

Under current law, if a person who owes child support under a court order (obligor) is delinquent in the payment of support, the amount of the delinquent support is entered on the statewide support lien docket and becomes a lien in favor of the Department of Children and Families (DCF). DCF may enforce the lien by sending a notice of levy to a financial institution at which the obligor has an account, instructing the financial institution to prohibit the closing of or withdrawals from the account. DCF may also send to a financial institution a request from another state to enforce a child support lien in favor of the other state, along with a certification that any due process requirements have been met in the other state and a request that the financial institution send the amount specified in the request directly to the other state, as well as the address to which the funds must be sent. Under this bill, in addition to sending child support to another state to enforce the other state's lien in response to a request sent by DCF, a financial institution is required to honor a notice of levy or request to enforce a lien in favor of another state that it receives directly from the other state or a child support agency in the other state, along with a certification by the other state that any due process requirements have been met in the other state. The financial institution must send the amount specified in the notice or request, up to the amount contained in the obligor's account or accounts minus the financial institution fees and estimated levy fees and costs. According to

Insert A

→

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 49.854 (5) (c) of the statutes is renumbered 49.854 (5) (c) 1. and  
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13 (END)

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0020/lins  
PJK:.....

**INSERT A**

**HEALTH AND HUMAN SERVICES ✓**

**OTHER HEALTH AND HUMAN SERVICES ✓**

**(END OF INSERT A)**



State of Wisconsin  
2015 - 2016 LEGISLATURE



LRB-0020/1

PJK:wjl:rs

DOA:.....Major, BB0076 - Requiring financial institutions to pay levies submitted by other states

**FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION**

1 AN ACT ...; relating to: the budget.

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**OTHER HEALTH AND HUMAN SERVICES**

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14 (END)