



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## Appendix A

### LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for

2013 LRB-4551/P1 (For: DCF)


has been transferred to the drafting file for

**2015 LRB-0020** (For: DHF)



**RESEARCH APPENDIX -**  
**PLEASE KEEP WITH THE DRAFTING FILE**

Date Transfer Requested: 09/05/2014 (Per: PJK)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

**2013 DRAFTING REQUEST**

**Bill**

Received: **8/22/2014** 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**

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**Pre Topic:**

No specific pre topic given

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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 8/25/2014	csicilia 8/28/2014		_____			
/P1			rschluet 8/28/2014	_____	lparisi 8/28/2014		State

FE Sent For:

<END>

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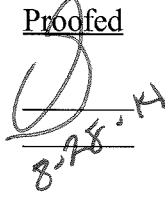
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See attached

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/?	pkahler	PI GJS 8/28 14	PI GJS 8/28 14				
FE Sent For:							

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**Department of Children and Families**  
**2015-17 Biennial Budget**  
**Statutory Language Request**

**Topic:** Administrative Child Support Enforcement of Other States' Liens

**Current Language:**

Section 49.854(5)(c) requires other states to send child support lien orders to DCF to register them for enforcement.

**Proposed Change:**

Amend 49.854(5)(c) to require Wisconsin banks to honor levies submitted directly from other state child support agencies.

**Justification:**

States are required by federal TANF regulations to promptly identify and seize assets based on a request by another state. Failure to comply can result in a reduction to the state's TANF block grant.

**Desired Effective Date:** Upon enactment

**Agency Contact:** Kim Swissdorf  
261-0616



PI  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-note  
(in 8-25)

gen cat

- 1 AN ACT **relating to:** requiring financial institutions to honor lien levies
- 2 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.

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 estimated levy fees and costs under sub. (11),~~ <sup>(a)</sup> 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.

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

(END)

*D-note*

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

LRB-4551/7dn  
PJK:.....

gis

rm not run

date

Kim:

I added some details that you did not specify. Let me know if you want anything deleted or changed (especially the part about fees having priority) based on practice or federal or state regulations.

As you can see, I drafted this so that DCF sends its own levies and other states send their own levies. Would you prefer to keep s. 49.854 (5) (c) as is (DCF sending requests from other states) but add the option of another state sending its own levy?

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

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

LRB-4551/P1dn  
PJK:cjs:rs

August 28, 2014

Kim:

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Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-4551/P1  
PJK:cjs:rs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

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.

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***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.

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14 hearing requirements under pars. (d) and (f) do not apply to a lien in favor of another  
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(END)