

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **swalkenh**
 By: **Rice** Secondary Drafters:
 Date: **2/11/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **DOASBOStatLanguage@wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov
Elizabeth.wheeler@legis.wisconsin.gov

Pre Topic:

DOA:.....Rice, BB0328 -

Topic:

Eliminate birth cost recovery

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/18/2019	aernsttr 2/18/2019			
/P1	swalkenh 2/21/2019	kfollett 2/21/2019	dwalker 2/18/2019		State S&L
/P2			lparisi 2/21/2019		State S&L

FE Sent For: **<END>**

Walkenhorst Barber, Sarah

From: Wheeler, Elizabeth
Sent: Monday, February 11, 2019 1:10 PM
To: Walkenhorst Barber, Sarah
Subject: FW: Statutory Language Drafting Request - 2019-21

Have you drafted this recently?

Elizabeth Wheeler
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
Direct: 608-504-5880
Elizabeth.wheeler@legis.wisconsin.gov

From: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Sent: Monday, February 11, 2019 11:04 AM
To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wheeler, Elizabeth <Elizabeth.Wheeler@legis.wisconsin.gov>
Subject: FW: Statutory Language Drafting Request - 2019-21

From: Rice, Olivia A - DOA <OliviaA.Rice@wisconsin.gov>
Sent: Monday, February 11, 2019 11:04 AM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Kraus, Jennifer - DOA <Jennifer.Kraus@wisconsin.gov>; Rice, Olivia A - DOA <OliviaA.Rice@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: Eliminate birth cost recovery

Tracking Code: BB0328

SBO Team: GGCF

SBO Analyst: Rice, Olivia
Phone: 608-266-5468
E-mail: oliviaA.Rice@wisconsin.gov

Agency Acronym: 437

Agency Number: 437

Priority: High

Intent:

Eliminate the practice of birth cost recovery.

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us



LRB-19637
SWB: [handwritten initials]
1/91

DOA:.....Rice, BB0328 - Eliminate birth cost recovery

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN 2/18
sa ✓
sa ✓
no gen
INSERT
MIS ANALYSIS

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

Analysis by the Legislative Reference Bureau
COURTS AND PROCEDURE
DOMESTIC RELATIONS

1. Elimination of birth cost recovery

This bill eliminates the requirement that a court include in a judgment or order relating to paternity an order for a father to pay for a portion of pregnancy and birth expenses. Under current law, a court is required to include in a paternity order an order for the father to repay a portion of pregnancy and birth expenses, taking into account the father's income and ability to pay. This bill eliminates orders relating to pregnancy and birth expenses. The bill also expressly prohibits the state from seeking recovery of pregnancy and birth expenses incurred by the state when a mother is enrolled in the Medical Assistance program at the time of a child's birth.

For further information see the *state and local* 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:

2 SECTION 1. 49.45 (19) (a) 2. of the statutes is amended to read:

MJS
2-1

1 49.45 (19) (a) 2. Notwithstanding other provisions of the statutes, except as
 2 provided in par. (c), be deemed to have assigned to the state, by applying for or
 3 receiving medical assistance, any rights to medical support or other payment of
 4 medical expenses from any other person, including rights to unpaid amounts accrued
 5 at the time of application for medical assistance as well as any rights to support
 6 accruing during the time for which medical assistance is paid.

7 **SECTION 2.** 49.45 (19) (c) of the statutes is amended to read:

8 49.45 (19) (c) ~~If the mother of a child was enrolled in a health maintenance~~
 9 ~~organization or other prepaid health care plan under medical assistance at the time~~
 10 ~~of the child's birth, birth expenses that may be recovered by the state under this~~
 11 ~~subsection are the~~ The state may not seek recovery of birth expenses incurred by the
 12 health maintenance organization or other prepaid health care plan state when the
 13 mother of a child was enrolled in the Medical Assistance program at the time of the
 14 child's birth.

15 **SECTION 3.** 49.855 (3) of the statutes is amended to read:

16 49.855 (3) Receipt of a certification by the department of revenue shall
 17 constitute a lien, equal to the amount certified, on any state tax refunds or credits
 18 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
 19 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
 20 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
 21 obligor that the state intends to reduce any state tax refund or credit due the obligor
 22 by the amount the obligor is delinquent under the support, maintenance, or receiving
 23 and disbursing fee order or obligation, by the outstanding amount for past support,
 24 or medical expenses, or birth expenses under the court order, or by the amount due
 25 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20

1 days the obligor may request a hearing before the circuit court rendering the order
2 under which the obligation arose. Within 10 days after receiving a request for
3 hearing under this subsection, the court shall set the matter for hearing. Pending
4 further order by the court or a circuit court commissioner, the department of children
5 and families or its designee, whichever is appropriate, is prohibited from disbursing
6 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
7 hearing. The sole issues at that hearing shall be whether the obligor owes the
8 amount certified and, if not and it is a support or maintenance order, whether the
9 money withheld from a tax refund or credit shall be paid to the obligor or held for
10 future support or maintenance, except that the obligor's ability to pay shall also be
11 an issue at the hearing if the obligation relates to an order under s. 767.805 (4) (d)
12 ~~1. or 767.89 (3) (e) 1. regarding birth expenses~~ and the order specifies that the court
13 found that the obligor's income was at or below the poverty line established under
14 42 USC 9902 (2).

15 **SECTION 4.** 49.855 (4m) (b) of the statutes is amended to read:

16 49.855 (4m) (b) The department of revenue may provide a certification that it
17 receives under sub. (1), (2m), (2p), or (2r) to the department of administration. Upon
18 receipt of the certification, the department of administration shall determine
19 whether the obligor is a vendor or is receiving any other payments from this state,
20 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
21 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
22 determines that the obligor is a vendor or is receiving payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
24 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
25 certified from those payments and shall notify the obligor that the state intends to

SECTION 4

1 reduce any payments due the obligor by the amount the obligor is delinquent under
 2 the support, maintenance, or receiving and disbursing fee order or obligation, by the
 3 outstanding amount for past support, or medical expenses, or birth expenses under
 4 the court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
 5 notice shall provide that within 20 days after receipt of the notice the obligor may
 6 request a hearing before the circuit court rendering the order under which the
 7 obligation arose. An obligor may, within 20 days after receiving notice, request a
 8 hearing under this paragraph. Within 10 days after receiving a request for hearing
 9 under this paragraph, the court shall set the matter for hearing. A circuit court
 10 commissioner may conduct the hearing. Pending further order by the court or circuit
 11 court commissioner, the department of children and families or its designee,
 12 whichever is appropriate, may not disburse the payments withheld from the obligor.
 13 The sole issues at the hearing are whether the obligor owes the amount certified and,
 14 if not and it is a support or maintenance order, whether the money withheld shall be
 15 paid to the obligor or held for future support or maintenance, except that the obligor's
 16 ability to pay is also an issue at the hearing if the obligation relates to an order under
 17 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. regarding birth expenses and the order specifies
 18 that the court found that the obligor's income was at or below the poverty line
 19 established under 42 USC 9902 (2).

20 **SECTION 5.** 767.805 (4) (d) of the statutes is repealed.

21 **SECTION 6.** 767.89 (3) (e) of the statutes is repealed.

22 **SECTION 7 Initial applicability.**

23 (1) This act first applies to ^{an} orders or judgments relating to paternity issued on
 24 the effective date of this subsection.

25 (END)

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25
INS
214-22

93

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1963/?ins
SWB:...

INSERT ANALYSIS [NO NEW PARAGRAPH]

Under current law, if the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under the Medical Assistance program at the time of the child's birth, the state could seek to recover from the father the birth expenses incurred by the health maintenance organization or other prepaid health care plan.

(END INSERT ANALYSIS)

INSERT 2-1

1 ✓ **SECTION 1.** 49.45 (19) (a) of the statutes is amended to read:

2 49.45 (19) (a) As Except as provided in par. (c), as a condition of eligibility for
3 medical assistance, a person shall, notwithstanding other provisions of the statutes,
4 be deemed to have assigned to the state, by applying for or receiving medical
5 assistance, any rights to medical support or other payment of medical expenses from
6 any other person, including rights to unpaid amounts accrued at the time of
7 application for medical assistance as well as any rights to support accruing during
8 the time for which medical assistance is paid.

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to 854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344, 370; s. 13.92 (1) (bm) 2.

Cross-reference: See also chs. HA 3 and DHS 35, 101, 102, 103, 104, 105, 106, 107, and 108, Wis. adm. code.

9 ✓ **SECTION 2.** 49.45 (19) (c) of the statutes is amended to read:

10 49.45 (19) (c) ~~If the mother of a child was enrolled in a health maintenance~~
11 ~~organization or other prepaid health care plan under medical assistance at the time~~
12 ~~of the child's birth, The state may not seek recovery of birth expenses that may be~~
13 ~~recovered by the state under this subsection are the birth expenses incurred by the~~
14 ~~health maintenance organization or other prepaid health care plan.~~

History: 1971 c. 40 s. 93; 1971 c. 42, 125; 1971 c. 213 s. 5; 1971 c. 215, 217, 307; 1973 c. 62, 90, 147; 1973 c. 333 ss. 106g, 106h, 106j, 201w; 1975 c. 39; 1975 c. 223 s. 28; 1975 c. 224 ss. 54h, 56 to 59m; 1975 c. 383 s. 4; 1975 c. 411; 1977 c. 29, 418; 1979 c. 34 ss. 837f to 838, 2102 (20) (a); 1979 c. 102, 177, 221, 355; 1981 c. 20 ss. 839 to

854, 2202 (20) (r); 1981 c. 93, 317; 1983 a. 27 ss. 1046 to 1062m, 2200 (42); 1983 a. 245, 447, 527; 1985 a. 29 ss. 1026m to 1031d, 3200 (23), (56), 3202 (27); 1985 a. 120, 176, 269; 1985 a. 332 ss. 91, 251 (5), 253; 1985 a. 340; 1987 a. 27 ss. 989r to 1000s, 2247, 3202 (24); 1987 a. 186, 307, 339, 399; 1987 a. 403 s. 256; 1987 a. 413; 1989 a. 6; 1989 a. 31 ss. 1402 to 1452g, 2909g, 2909i; 1989 a. 107, 173, 310, 336, 351, 359; 1991 a. 22, 39, 80, 250, 269, 315, 316; 1993 a. 16 ss. 1362g to 1403, 3883; 1993 a. 27, 107, 112, 183, 212, 246, 269, 335, 356, 437, 446, 469; 1995 a. 20; 1995 a. 27 ss. 2947 to 3002r, 7299, 9126 (19), 9130 (4), 9145 (1); 1995 a. 191, 216, 225, 289, 303, 398, 417, 457; 1997 a. 3, 13, 27, 114, 175, 191, 237, 252, 293; 1999 a. 9, 63, 103, 180, 185; 2001 a. 13, 16, 35, 38, 57, 67, 104, 109; 2003 a. 33, 318, 321; 2005 a. 22; 2005 a. 25 ss. 1120 to 1149f, 2503 to 2510; 2005 a. 107, 165, 253, 254, 264, 301, 340, 386, 441; 2007 a. 20 ss. 1513 to 1559h, 9121 (6) (a); 2007 a. 90, 97, 104, 141, 153; 2009 a. 2, 28, 113, 177, 180, 190, 221, 334, 342; 2011 a. 10, 32, 120, 126, 158, 192, 209, 258; 2011 a. 260 s. 81; 2013 a. 20, 92; 2013 a. 116 ss. 2, 3, 29, 30; 2013 a. 117 ss. 2, 4; 2013 a. 130; 2013 a. 165 s. 114; 2013 a. 226; 2015 a. 55, 152, 153, 172, 294; 2017 a. 34, 59, 138, 185, 262, 268, 271, 279, 306, 344, 370; s. 13.92 (1) (bm) 2.

Cross-reference: See also chs. HA 3 and DHS 35, 101, 102, 103, 104, 105, 106, 107, and 108, Wis. adm. code.

(END INSERT 2-1)

INSERT 4-22

1 **SECTION 9319. Initial applicability; Health Services.**

2 (1) **ELIMINATION OF BIRTH COST RECOVERY.** The treatment of ss. 49.45 (19) (a) *and*
3 *and* 49.45 (19) (c), 49.855 (3), 49.855 (4m) (b), 767.805 (4) (d), and 767.89 (3) (e) first
4 applies to an order or judgment relating to paternity issued on the effective date of
5 this subsection.

(END INSERT 4-22)



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2
1P2

DOA:.....Rice, BB0328 - Eliminate birth cost recovery

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN 2/21

INSERT
D-NOTE

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

1. Elimination of birth cost recovery

This bill eliminates the requirement that a court include in a judgment or order relating to paternity an order for a father to pay for a portion of pregnancy and birth expenses. Under current law, a court is required to include in a paternity order an order for the father to repay a portion of pregnancy and birth expenses, taking into account the father's income and ability to pay. This bill eliminates orders relating to pregnancy and birth expenses. The bill also expressly prohibits the state from seeking recovery of birth expenses. Under current law, if the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under the Medical Assistance program at the time of the child's birth, the state could seek to recover from the father the birth expenses incurred by the health maintenance organization or other prepaid health care plan.

For further information see the *state and local* 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:

1 **SECTION 1.** 49.45 (19) (a) of the statutes is amended to read:

2 49.45 (19) (a) As Except as provided in par. (c), as a condition of eligibility for
3 medical assistance, a person shall, notwithstanding other provisions of the statutes,
4 be deemed to have assigned to the state, by applying for or receiving medical
5 assistance, any rights to medical support or other payment of medical expenses from
6 any other person, including rights to unpaid amounts accrued at the time of
7 application for medical assistance as well as any rights to support accruing during
8 the time for which medical assistance is paid.

9 **SECTION 2.** 49.45 (19) (c) of the statutes is amended to read:

10 49.45 (19) (c) ~~If the mother of a child was enrolled in a health maintenance~~
11 ~~organization or other prepaid health care plan under medical assistance at the time~~
12 ~~of the child's birth, The state may not seek recovery of birth expenses that may be~~
13 ~~recovered by the state under this subsection are the birth expenses incurred by the~~
14 ~~health maintenance organization or other prepaid health care plan.~~

15 **SECTION 3.** 49.855 (3) of the statutes is amended to read:

16 49.855 (3) Receipt of a certification by the department of revenue shall
17 constitute a lien, equal to the amount certified, on any state tax refunds or credits
18 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
19 setoff under s. 71.93 (3), ~~(6), and (7)~~. ^{← strike} When the department of revenue determines
20 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
21 obligor that the state intends to reduce any state tax refund or credit due the obligor
22 by the amount the obligor is delinquent under the support, maintenance, or receiving
23 and disbursing fee order or obligation, by the outstanding amount for past support,
24 or medical expenses, ~~or birth expenses~~ under the court order, or by the amount due
25 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20

1 days the obligor may request a hearing before the circuit court rendering the order
2 under which the obligation arose. Within 10 days after receiving a request for
3 hearing under this subsection, the court shall set the matter for hearing. Pending
4 further order by the court or a circuit court commissioner, the department of children
5 and families or its designee, whichever is appropriate, is prohibited from disbursing
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8 amount certified and, if not and it is a support or maintenance order, whether the
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12 ~~1. or 767.89 (3) (e) 1. regarding birth expenses~~ and the order specifies that the court
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14 42 USC 9902 (2).

15 **SECTION 4.** 49.855 (4m) (b) of the statutes is amended to read:

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21 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
22 determines that the obligor is a vendor or is receiving payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
24 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
25 certified from those payments and shall notify the obligor that the state intends to

INS
3-14

1 reduce any payments due the obligor by the amount the obligor is delinquent under
2 the support, maintenance, or receiving and disbursing fee order or obligation, by the
3 outstanding amount for past support, or medical expenses, or birth expenses under
4 the court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
5 notice shall provide that within 20 days after receipt of the notice the obligor may
6 request a hearing before the circuit court rendering the order under which the
7 obligation arose. An obligor may, within 20 days after receiving notice, request a
8 hearing under this paragraph. Within 10 days after receiving a request for hearing
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10 commissioner may conduct the hearing. Pending further order by the court or circuit
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16 ability to pay is also an issue at the hearing if the obligation relates to an order under
17 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. regarding birth expenses and the order specifies
18 that the court found that the obligor's income was at or below the poverty line
19 established under 42 USC 9902 (2).

20 **SECTION 5.** 767.805 (4) (d) of the statutes is repealed.

21 **SECTION 6.** 767.89 (3) (e) of the statutes is repealed.

22 **SECTION 9319. Initial applicability; Health Services.**

1 (1) ELIMINATION OF BIRTH COST RECOVERY. The treatment of ss. 49.45 (19) (a) and
2 (c), 49.855 (3) and (4m) (b), 767.805 (4) (d), and 767.89 (3) (e) first applies to an order
3 or judgment relating to paternity issued on the effective date of this subsection.

4

(END)

(with respect to the elimination of statutory reference to court
authority to issue orders for birth expenses)
new

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1963/01ins
SWB:ahc

INSERT 3-14

****NOTE: This is reconciled s. 49.855 (3). This SECTION has been affected by drafts with the following LRB numbers: -1963/p1 and -1932/p2.

(END INSERT 3-14)

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

LRB-1963/P1²dn
SWB:ahc

1 TO: Olivia Rice

2 This draft reconciles LRB-1963/p1 and LRB-1932/p2. All of these drafts should
3 continue to appear in the compiled bill.

4 Sarah Walkenhorst Barber
5 Legislative Attorney
6 (608) 504-5826
7 sarah.walkenhorstbarber@legis.wisconsin.gov

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

LRB-1963/P2dn
SWB:kjf

February 21, 2019

TO: Olivia Rice

This draft reconciles LRB-1963/p1 and LRB-1932/p2. All of these drafts should continue to appear in the compiled bill.

Sarah Walkenhorst Barber
Legislative Attorney
(608) 504-5826
sarah.walkenhorstbarber@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1963/P2
SWB:ah&kjf

DOA:.....Rice, BB0328 - Eliminate birth cost recovery

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

DOMESTIC RELATIONS

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20 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
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22 by the amount the obligor is delinquent under the support, maintenance, or receiving
23 and disbursing fee order or obligation, by the outstanding amount for past support,
24 or medical expenses, or birth expenses under the court order, or by the amount due
25 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20

1 days the obligor may request a hearing before the circuit court rendering the order
2 under which the obligation arose. Within 10 days after receiving a request for
3 hearing under this subsection, the court shall set the matter for hearing. Pending
4 further order by the court or a circuit court commissioner, the department of children
5 and families or its designee, whichever is appropriate, is prohibited from disbursing
6 the obligor's state tax refund or credit. A circuit court commissioner may conduct the
7 hearing. The sole issues at that hearing shall be whether the obligor owes the
8 amount certified and, if not and it is a support or maintenance order, whether the
9 money withheld from a tax refund or credit shall be paid to the obligor or held for
10 future support or maintenance, except that the obligor's ability to pay shall also be
11 an issue at the hearing if the obligation relates to an order under ~~s. 767.805 (4) (d)~~
12 ~~1. or 767.89 (3) (e) 1. regarding birth expenses~~ and the order specifies that the court
13 found that the obligor's income was at or below the poverty line established under
14 42 USC 9902 (2).

****NOTE: This is reconciled s. 49.855 (3). This SECTION has been affected by drafts
with the following LRB numbers: -1963/p1 and -1932/p2.

15 **SECTION 4.** 49.855 (4m) (b) of the statutes is amended to read:
16 49.855 (4m) (b) The department of revenue may provide a certification that it
17 receives under sub. (1), (2m), (2p), or (2r) to the department of administration. Upon
18 receipt of the certification, the department of administration shall determine
19 whether the obligor is a vendor or is receiving any other payments from this state,
20 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
21 45.40 (1m), this chapter, or ch. 46, 108, or 301. If the department of administration
22 determines that the obligor is a vendor or is receiving payments from this state,
23 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.

1 45.40 (1m), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
2 certified from those payments and shall notify the obligor that the state intends to
3 reduce any payments due the obligor by the amount the obligor is delinquent under
4 the support, maintenance, or receiving and disbursing fee order or obligation, by the
5 outstanding amount for past support, or medical expenses, or birth expenses under
6 the court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
7 notice shall provide that within 20 days after receipt of the notice the obligor may
8 request a hearing before the circuit court rendering the order under which the
9 obligation arose. An obligor may, within 20 days after receiving notice, request a
10 hearing under this paragraph. Within 10 days after receiving a request for hearing
11 under this paragraph, the court shall set the matter for hearing. A circuit court
12 commissioner may conduct the hearing. Pending further order by the court or circuit
13 court commissioner, the department of children and families or its designee,
14 whichever is appropriate, may not disburse the payments withheld from the obligor.
15 The sole issues at the hearing are whether the obligor owes the amount certified and,
16 if not and it is a support or maintenance order, whether the money withheld shall be
17 paid to the obligor or held for future support or maintenance, except that the obligor's
18 ability to pay is also an issue at the hearing if the obligation relates to an order under
19 s. 767.805 (4) (d) 1. or 767.89 (3) (e) 1. regarding birth expenses and the order specifies
20 that the court found that the obligor's income was at or below the poverty line
21 established under 42 USC 9902 (2).

22 **SECTION 5.** 767.805 (4) (d) of the statutes is repealed.

23 **SECTION 6.** 767.89 (3) (e) of the statutes is repealed.

24 **SECTION 9319. Initial applicability; Health Services.**

