



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-1205/P3

EHS:cjs&wlj

DOA:.....Bork, BB0238 - Child support and child welfare

FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

DCF child support assignment and referrals

This bill removes the assignment to the state of child support orders and arrears existing at the time a child enters foster care. The bill also removes the role of DCF and a county department of social services or human services (county department) in providing child support referrals and collecting child support for families with children in out-of-home care except if DCF or a county department determines that such a referral is appropriate under rules to be promulgated by DCF. The bill eliminates from the Juvenile Justice Code requirements that the juvenile court order child support, except for modification of existing orders, and order the parents of a juvenile under DCF supervision to contribute towards the costs of certain sanctions, dispositions, or placements.

The bill also adds language to the “best interests of the child” factor that under current law must be used by the family court when modifying a child support order. The bill specifies that, for a child in out-of-home-care under the Children’s Code or the Juvenile Justice Code, this factor includes the impact on the child of family expenditures to improve any conditions in the home that would facilitate the reunification of the child with the child’s family, if appropriate, and the importance of a placement that is the least restrictive of the rights of the child and the parents and the most appropriate for meeting the needs of the child and the family.

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:

SECTION 1. 20.437 (2) (r) of the statutes is amended to read:

20.437 (2) (r) *Support receipt and disbursement program; payments.* From the support collections trust fund, except as provided in par. (qm), all moneys

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received under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys received under ss. 767.57 and 767.75 for child or family support, maintenance, spousal support, health care expenses, or birth expenses, all other moneys received under judgments or orders in actions affecting the family, as defined in s. 767.001 (1), and all moneys received under s. 49.855 (4) from the department of revenue or the department of administration that were withheld by the department of revenue or the internal revenue service for delinquent child support, family support, or maintenance or outstanding court-ordered amounts for past support, medical expenses, or birth expenses, for disbursement to the persons for whom the payments are awarded, and, if assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated disbursements under this paragraph shall not be included in the schedule under s. 20.005.

SECTION 2. 46.10 (1) of the statutes is amended to read:

46.10 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 48.355 (2) (b) 4. ~~or (4g) (a), 48.357 (5m) (a), or 48.363 (2) or ch. 767 or s. 48.355 (2) (b) 4., 2023 stats., or s. 48.357 (5m) (a), 2023 stats.~~

SECTION 3. 46.10 (14) (e) 1. of the statutes is amended to read:

46.10 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. ~~or (4g) (a), 48.357 (5m) (a), or 48.363 (2) or s. 48.355 (2) (b) 4., 2023 stats., or s. 48.357 (5m) (a), 2023 stats.,~~ for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation

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insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.22 or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

SECTION 4. 48.33 (4) (b) of the statutes is repealed.

SECTION 5. 48.33 (4m) of the statutes is repealed.

SECTION 6. 48.335 (3r) of the statutes is repealed.

SECTION 7. 48.355 (2) (b) 4. of the statutes is repealed.

SECTION 8. 48.357 (5m) of the statutes is repealed.

SECTION 9. 48.36 (4) of the statutes is created to read:

48.36 (4) (a) The county department or the department may, based on criteria established by the department by rule, refer to the attorney responsible for support enforcement under s. 59.53 (6) (a) the name of the parent or parents of a child for whom an out-of-home care placement has been ordered under s. 48.355 or 48.357.

(b) The department shall promulgate rules establishing criteria for when it is appropriate for a child support referral to be made under par. (a).

SECTION 10. 48.363 (2) of the statutes is amended to read:

48.363 (2) If the court revises a dispositional order entered prior to July 1, 2026, with respect to the amount of child support to be paid by a parent for the care and maintenance of the parent's minor child who has been placed by a court order under this chapter in a residential, nonmedical facility, the court shall determine the liability of the parent in the manner provided in s. 49.345 (14).

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SECTION 11. 48.645 (3) of the statutes is repealed.

SECTION 12. 49.345 (1) of the statutes is amended to read:

49.345 (1) Liability and the collection and enforcement of such liability for the care, maintenance, services, and supplies specified in this section are governed exclusively by this section, except in cases of child support ordered by a court under s. 48.355 (2) (b) 4. or (4g) (a), ~~48.357 (5m) (a)~~, 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. (4g) (a), ~~938.357 (5m) (a)~~, or 938.363 (2) or ch. 767 or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats.

SECTION 13. 49.345 (14) (e) 1. of the statutes is amended to read:

49.345 (14) (e) 1. An order issued under s. 48.355 (2) (b) 4. ~~or (4g) (a), 48.357 (5m) (a)~~, 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. (4g) (a), ~~938.357 (5m) (a)~~, or 938.363 (2) or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.215, 46.22, or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

SECTION 14. 301.12 (1) of the statutes is amended to read:

301.12 (1) Liability and the collection and enforcement of such liability for the

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care, maintenance, services, and supplies specified in this section is governed exclusively by this section, except in cases of child support ordered by a court under s. 938.183 (4), 938.355 (2) (b) 4. ~~or~~ (4g) (a), ~~938.357 (5m) (a),~~ or 938.363 (2) or ch. 767 or s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats.

SECTION 15. 301.12 (14) (e) 1. of the statutes is amended to read:

301.12 (14) (e) 1. An order issued under s. 938.183 (4), 938.355 (2) (b) 4. ~~or~~ (4g) (a), ~~938.357 (5m) (a),~~ or 938.363 (2) or s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., for support determined under this subsection constitutes an assignment of all commissions, earnings, salaries, wages, pension benefits, income continuation insurance benefits under s. 40.62, duty disability benefits under s. 40.65, benefits under ch. 102 or 108, and other money due or to be due in the future to the county department under s. 46.215, 46.22, or 46.23 in the county where the order was entered or to the department, depending upon the placement of the child as specified by rules promulgated under subd. 5. The assignment shall be for an amount sufficient to ensure payment under the order.

SECTION 16. 767.001 (1) (m) of the statutes is amended to read:

767.001 (1) (m) To enforce or revise an order for support entered under s. 48.355 (2) (b) 4. ~~or~~ (4g) (a), ~~48.357 (5m) (a),~~ 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. ~~or~~ (4g) (a), ~~938.357 (5m) (a),~~ or 938.363 (2) or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats.

SECTION 17. 767.511 (1m) (hm) of the statutes is amended to read:

767.511 (1m) (hm) The best interests of the child, including, with respect to a child placed with an out-of-home care provider under ch. 48 or 938, the impact on

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the child of expenditures by the family for improvement of any conditions in the home that would facilitate the reunification of the child with the child's family, if appropriate, and the importance of a placement that is the least restrictive of the rights of the child and the parents and the most appropriate for meeting the needs of the child and the family.

SECTION 18. 767.521 (intro.) of the statutes is amended to read:

767.521 Action by state for child support. (intro.) The state or its delegate under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001 (1) (f) or for paternity determination and child support under s. 767.80 if the child's right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the following apply:

SECTION 19. 767.55 (3) (a) 2. of the statutes is amended to read:

767.55 (3) (a) 2. The child's right to support is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, or 49.19 (4) (h) 1. b.

SECTION 20. 767.57 (1m) (c) of the statutes is amended to read:

767.57 (1m) (c) The party entitled to the support or maintenance money or a minor child of the party has applied for or is receiving aid under s. 48.645 or public assistance under ch. 49 and there is an assignment to the state under s. ~~48.645 (3)~~ or 49.19 (4) (h) 1. b. of the party's right to the support or maintenance money.

SECTION 21. 767.57 (2) of the statutes is amended to read:

767.57 (2) PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to maintenance or support, or both, is receiving public assistance under ch. 49, the party may assign the party's right to support or maintenance to the county

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department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment shall be approved by order of the court granting the maintenance or support. The assignment may not be terminated if there is a delinquency in the amount to be paid to the assignee of maintenance and support previously ordered without the written consent of the assignee or upon notice to the assignee and a hearing. When an assignment of maintenance or support, or both, has been approved by the order, the assignee shall be deemed a real party in interest within s. 803.01 solely for the purpose of securing payment of unpaid maintenance or support ordered to be paid, by participating in proceedings to secure the payment of unpaid amounts. Notwithstanding assignment under this subsection, and without further order of the court, the department or its designee, upon receiving notice that a party or a minor child of the parties is receiving aid under s. 48.645 or public assistance under ch. 49 or that a kinship care provider or long-term kinship care provider of the minor child is receiving kinship care payments or long-term kinship care payments for the minor child, shall forward all support assigned under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, 49.19 (4) (h) 1., or 49.45 (19).

SECTION 22. 767.57 (4) of the statutes is amended to read:

767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment providing for the support of one or more children not receiving aid under s. 48.57 (3m) or (3n), 48.645, or 49.19 includes support for a minor who is the beneficiary of aid under s. 48.57 (3m) or (3n), 48.645, or 49.19, any support payment made under the order or judgment is assigned to the state under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, or 49.19 (4) (h) 1. b. in the amount that is the proportionate

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share of the minor receiving aid under s. 48.57 (3m) or (3n), 48.645, or 49.19, except as otherwise ordered by the court on the motion of a party.

SECTION 23. 767.59 (1) of the statutes is amended to read:

767.59 (1) DEFINITION. In this section, “support or maintenance order” means a judgment or order providing for child support under this chapter or s. 48.355 (2) (b) 4. ~~or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), 938.363 (2), or 948.22 (7), or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats.,~~ for maintenance payments under s. 767.56, for family support payments under s. 767.531, 2019 stats., or for the appointment of trustees or receivers under s. 767.57 (5).

SECTION 24. 767.59 (1c) (a) (intro.) of the statutes is amended to read:

767.59 (1c) (a) (intro.) On the petition, motion, or order to show cause of either of the parties, the department, a county department under s. 46.215, 46.22, or 46.23, or a county child support agency under s. 59.53 (5) if an assignment has been made under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3),~~ 49.19 (4) (h), or 49.45 (19) or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or 48.645 or ch. 49, a court may, except as provided in par. (b), do any of the following:

SECTION 25. 767.59 (2) (c) of the statutes is amended to read:

767.59 (2) (c) If the court revises a judgment or order providing for child support that was entered under s. 48.355 (2) (b) 4. ~~or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2) or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023~~

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stats., or s. 938.357 (5m) (a), 2023 stats., the court shall determine child support in the manner provided in s. 49.345 (14) or 301.12 (14), whichever is applicable.

SECTION 26. 767.77 (1) of the statutes is amended to read:

767.77 (1) DEFINITION. In this section, “payment obligation” means an obligation to pay support under s. 48.355 ~~(2) (b) 4. or (4g) (a), 48.357 (5m) (a),~~ 48.363 (2), 938.183 (4), 938.355 ~~(2) (b) 4. or (4g) (a), 938.357 (5m) (a),~~ or 938.363 (2) or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., support or maintenance under s. 767.501, child support or maintenance under s. 767.225, child support under s. 767.511, maintenance under s. 767.56, family support under s. 767.225, 2019 stats., or s. 767.531, 2019 stats., attorney fees under s. 767.241, child support or a child’s health care expenses under s. 767.85, paternity obligations under s. 767.804 (3), 767.805 (4), 767.863 (3), or 767.89, support arrearages under s. 767.71, or child or spousal support under s. 948.22 (7).

SECTION 27. 767.78 (1) of the statutes is amended to read:

767.78 (1) DEFINITION. In this section, “financial obligation” means an obligation for payment incurred under s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 767.531, 2019 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., or s. 48.355 ~~(2) (b) 4. or (4g) (a), 48.357 (5m) (a),~~ 48.363 (2), 767.225, 767.241, 767.511, 767.56, 767.61, 767.71, 767.804 (3), 767.805 (4), 767.85, 767.863 (3), 767.89, 938.183 (4), 938.355 ~~(2) (b) 4. or (4g) (a), 938.357 (5m) (a),~~ or 938.363 (2).

SECTION 28. 767.87 (6) (a) of the statutes is amended to read:

767.87 (6) (a) Whenever the state brings the action to determine paternity

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pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., ~~48.645 (3)~~, 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159, the natural mother of the child may not be compelled to testify about the paternity of the child if it has been determined that the mother has good cause for refusing to cooperate in establishing paternity as provided in [42 USC 602](#) (a) (26) (B) and the federal regulations promulgated pursuant to this statute, as of July 1, 1981, and pursuant to any rules promulgated by the department which define good cause in accordance with the federal regulations, as authorized by [42 USC 602](#) (a) (26) (B) in effect on July 1, 1981.

SECTION 29. 780.01 (5) of the statutes is amended to read:

780.01 (5) For all arrearages owed by the owner in child support ordered under s. 48.355 (2) (b) 4. ~~or~~ (4g) (a), ~~48.357 (5m) (a)~~, 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. ~~or~~ (4g) (a), ~~938.357 (5m) (a)~~, 938.363 (2), or 948.22 (7) or ch. 767 or 769 or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., or in family support ordered under ch. 767.

SECTION 30. 893.415 (2) of the statutes is amended to read:

893.415 (2) An action to collect child or family support owed under a judgment or order entered under ch. 767, or to collect child support owed under a judgment or order entered under s. 48.355 (2) (b) 4. ~~or~~ (4g) (a), ~~48.357 (5m) (a)~~, 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. ~~or~~ (4g) (a), ~~938.357 (5m) (a)~~, 938.363 (2), or 948.22 (7) or s. 48.355 (2) (b) 4., 2023 stats., s. 48.357 (5m) (a), 2023 stats., s. 938.355 (2) (b) 4., 2023 stats., or s. 938.357 (5m) (a), 2023 stats., shall be commenced within 20 years after the youngest child for whom the support was ordered under

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the judgment or order reaches the age of 18 or, if the child is enrolled full-time in high school or its equivalent, reaches the age of 19.

SECTION 31. 938.33 (3) (intro.) and (a) of the statutes are consolidated, renumbered 938.33 (3) and amended to read:

938.33 **(3)** CORRECTIONAL PLACEMENT REPORTS. A report recommending placement of a juvenile in a juvenile correctional facility or a secured residential care center for children and youth shall be in writing, except that the report may be presented orally at the dispositional hearing if the juvenile and the juvenile's counsel consent. A report that is presented orally shall be transcribed and made a part of the court record. In addition to the information specified under sub. (1) (a) to (d), the report shall include ~~all of the following: (a) A~~ a description of any less restrictive alternatives that are available and that have been considered, and why they have been determined to be inappropriate. If the court has found that any of the conditions specified in s. 938.34 (4m) (b) 1., 2., or 3. applies, the report shall indicate that a less restrictive alternative than placement in a juvenile correctional facility or a secured residential care center for children and youth is not appropriate.

SECTION 32. 938.33 (3) (b) of the statutes is repealed.

SECTION 33. 938.33 (4) (b) of the statutes is repealed.

SECTION 34. 938.33 (4m) of the statutes is repealed.

SECTION 35. 938.335 (3r) of the statutes is repealed.

SECTION 36. 938.355 (2) (b) 4. of the statutes is repealed.

SECTION 37. 938.357 (5m) (a) of the statutes is repealed.

SECTION 38. 938.357 (5m) (b) of the statutes is renumbered 938.357 (5m).

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SECTION 39. 938.36 (4) of the statutes is created to read:

938.36 (4) CHILD SUPPORT REFERRAL. (a) The county department or the department may refer to the attorney responsible for support enforcement under s. 59.53 (6) (a) the name of the parent or parents of a juvenile for whom an out-of-home placement has been ordered under s. 938.355 or 938.357 based on criteria established by the department by rule.

(b) The department shall promulgate rules establishing criteria for when it is appropriate for a child support referral to be made under par. (a).

SECTION 40. 938.363 (2) of the statutes is amended to read:

938.363 (2) REVISION OF SUPPORT. If the court revises the amount of child support to be paid by a parent under ~~the~~ a dispositional order entered before July 1, 2026, for the care and maintenance of the parent's juvenile who has been placed by a court order under this chapter in a residential, nonmedical facility, the court shall determine the liability of the parent under s. 301.12 (14).

SECTION 9106. Nonstatutory provisions; Children and Families.

(1) FOSTER CARE AID-RELATED CHILD SUPPORT ARREARS. Any balance of court-ordered child support obligations assigned to this state under s. 48.645 (3), 2023 stats., is set to \$0 and is unenforceable and uncollectable. Any warrant or lien issued prior to July 1, 2026, is vacated if it is based on the alleged failure to pay such a balance or the failure to appear to a court hearing set for the purpose of enforcing the obligation assigned to the state.

SECTION 9406. Effective dates; Children and Families.

(1) CHILD SUPPORT ASSIGNMENT AND REFERRALS. The treatment of ss. 20.437 (2) (r), 46.10 (1) and (14) (e) 1., 48.33 (4) (b) and (4m), 48.335 (3r), 48.355 (2) (b) 4.,

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48.357 (5m), 48.36 (4) (a), 48.363 (2), 48.645 (3), 49.345 (1) and (14) (e) 1., 301.12 (1) and (14) (e) 1., 767.001 (1) (m), 767.511 (1m) (hm), 767.521 (intro.), 767.55 (3) (a) 2., 767.57 (1m) (c), (2), and (4), 767.59 (1), (1c) (a) (intro.), and (2) (c), 767.77 (1), 767.78 (1), 767.87 (6) (a), 780.01 (5), 893.415 (2), 938.33 (3) (intro.), (a), and (b), (4) (b), and (4m), 938.335 (3r), 938.355 (2) (b) 4., 938.357 (5m) (a) and (b), 938.36 (4) (a), and 938.363 (2) and SECTION 9106 (1) of this act take effect on July 1, 2026.

(END)