



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 244

Assembly Amendments 1 and 2

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2003 Assembly Bill 244 makes various changes to laws relating to guardians ad litem (GALs), parent education, and parenting plans in actions affecting the family.

ASSEMBLY AMENDMENT 1

Orders for Income Withholding

Assembly Bill 244 permits the family court to order income withholding in order to pay for a GAL's compensation and fees. The money withheld is then assigned to the GAL or to the county if the county has paid the compensation and fees. The bill directs the court to provide notice of the assignment to the entity or entities that must withhold the income (e.g., an employer) in the manner provided under current law for income withholding to pay child support, maintenance, and family support.

To clarify that these income withholding orders should not be administered through the KIDS system, *Assembly Amendment 1*, provides that the court must send notice of the income withholding and assignment of the income withheld to the last-known address of the entity or entities that must withhold the income instead of cross-referencing current law for notices of income withholding.

Information on Parenting Plans

Under *current law*, in an action affecting the family in which legal custody or physical placement of a minor child is contested, a party seeking sole or joint legal custody or periods of physical placement must file a parenting plan that provides information relating to the party's proposal for custody and placement.

The *bill* requires the clerk of court to provide instructions for completing and filing a parenting plan to each person who files a petition or receives a summons initiating an action affecting the family.

Under the *amendment*, the clerk of court must provide a copy of the statute that requires and describes parenting plans (i.e., is *not* required to provide instructions). Also, the amendment clarifies that this requirement applies only to parties that have a minor child.

Judgment Based on Parent Education Attendance

Under *current law*, at any time when an action affecting the family in which a minor child is involved is pending, and in which the court or a circuit court commissioner (CCC) determines that it is appropriate and in the best interests of the child, the court or CCC may order the parties to attend a program concerning the effects on a child of a dissolution of the marriage.

The *bill* requires the court or CCC to order the parties to an action affecting the family in which a minor child is involved to attend a program that provides instruction on or training in topics including the effects of divorce on a child, current family law, and parenting and coparenting skills.

Under *both current law and the bill*, the court or CCC may require the parties to an action affecting the family in which a minor child is involved to attend a parent education program as a condition to the granting of a final judgment or order in the action.

The *amendment* provides that the court or CCC may not require the parties to a paternity action to attend a parent education program as a condition to the granting of a final judgment or order.

ASSEMBLY AMENDMENT 2

Under *current law*, an income withholding assignment for child or family support has priority over any other assignment, garnishment, or similar legal process.

Under the *bill*, an income withholding assignment for GAL compensation and fees or for fees for mediation and custody and placement studies also has priority over any other assignment, garnishment, or similar legal process.

Assembly Amendment 2 eliminates the provision of the bill giving priority to income withholding orders for various fees and GAL compensation. The amendment also requires such an income withholding order to include a statement that income withholding orders for child or family support have priority over any other withholding or assignment order.

LEGISLATIVE HISTORY

Assembly Amendments 1 and 2 were adopted on a voice vote by the Assembly on November 4, 2003. The Assembly also passed the bill, as amended, on a voice vote on that date.

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