



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

Assembly Committee on Veterans and Military Affairs
Thursday, April 29, 2021

Thank you for holding a hearing on Assembly Bill 105 and allowing me to testify in favor of this legislation.

This bill originated in the Study Committee on Child Placement and Support, which I chaired.

The committee was tasked with reviewing current standards for determining physical placement and child support obligations.

The committee was composed of five legislators and eight public members, including a judge, court commissioner, private family law attorney, domestic violence advocate, fathers' rights activists, and county child support agency directors.

The diverse membership of the committee allowed us to hear from multiple stakeholders. It was important for us to receive feedback from both practitioners and parents that would be directly impacted by policy change – both of which were represented on the committee.

Last session, this bill passed via voice vote in the Assembly and received unanimous support during the Senate committee process. Unfortunately, due to COVID-19, it was not scheduled for a full Senate vote.

Currently, military service members receive allowances to help with housing costs. A variable component may be added to the base housing allowance to cover expenses in states with a higher cost of living. For example, service members receive a higher variable housing allowance when stationed in Hawaii, as opposed to Wisconsin.

The Department of Children and Families currently includes variable housing costs when calculating child support payments. When service members are transferred to a state with a lower cost of living, their variable housing allowance is subsequently reduced. Their child support payments are not altered to reflect their reduction in income, unless service members return to court to seek a modification.

Under Assembly Bill 105, DCF would no longer be able to include variable housing costs for determining gross income for child support payments. Instead, DCF would utilize base costs to calculate child support.

The study committee heard testimony that using variable housing costs, rather than base housing costs, leads to an increased number of court actions for a revision of child support upon each

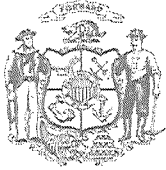


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military move. The use of base housing costs would create stability and better reflect the variable housing costs purpose.

Thank you for your time and attention and I ask that you support this bill. I would be happy to answer any questions.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol - P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Veterans and Military Affairs
Senator André Jacque
April 29, 2021*

Dear Chairman Skowronski and Members of the Assembly Committee on Veterans and Military Affairs,

Thank you for holding this hearing and the opportunity to testify before you in support of Assembly Bill 105, whose language was previously recommended by the 2018 Legislative Council Study Committee on Child Placement and Support. The Assembly author of this legislation, Rep. Brooks, chaired that study committee and I am happy to join him in re-introducing it for your consideration, as it passed the full State Assembly late last session and passed out of committee unanimously in the State Senate, but was not taken up before the session adjourned.

Currently, military service members receive allowances to help with housing costs. A variable component may be added to the base housing allowance to cover expenses in states with a higher cost of living. For example, service members receive a higher variable housing allowance when stationed in Hawaii, as opposed to Wisconsin.

The Department of Children and Families currently includes variable housing costs when calculating child support payments. When service members are transferred to a state with a lower cost of living, their variable housing allowance is subsequently reduced. Their child support payments are not altered to reflect their reduction in income, unless service members return to court to seek a modification.

Under Assembly Bill 105, DCF would no longer be able to include variable housing costs for determining gross income for child support payments. Instead, DCF would utilize base costs to calculate child support. The department is supportive of this legislation.

The current use of variable housing costs, rather than base housing costs, leads to an increased number of court actions for a revision of child support upon each military move. The use of base housing costs would create stability and better reflect the variable housing costs purpose.

Assembly Bill 105 is identical to 2019 Assembly Bill 102, which as I mentioned originated in the Legislative Council Study Committee on Child Placement and Support and passed the Assembly last session on a voice vote. The senate companion bill to this legislation has already passed the Senate Human Services, Children and Families Committee unanimously, and the full State Senate on a voice vote.

Thank you for your consideration of Assembly Bill 105.



TO: Honorable Members of the Assembly Committee on Veterans and
Military Affairs

FROM: Amanda Merkwae, Legislative Advisor

DATE: April 29, 2021

SUBJECT: 2021 Assembly Bill 105

Chair Skowronski, Vice-Chair VanderMeer, and Members of the Committee:

My name is Amanda Merkwae, and I am the Legislative Advisor for the Department of Children and Families (DCF). DCF is responsible for administering the Child Support program in Wisconsin. Thank you for the opportunity to provide written testimony in support of Assembly Bill 105.

Variable housing costs would not be considered income for military service members. AB105 amends the definition of income in DCF's administrative rule related to the calculation of child support. Under current administrative rule (DCF 150), military allowances and veteran's disability compensation benefits are considered income when calculating child support. Under AB105, DCF 150 would be amended to specify that the definition of income includes basic allowances for subsistence and housing, but does not include variable housing costs.

Military service members receive allowances to assist in the cost of housing. A variable component may be added to the basic housing allowance to reflect the higher cost of living in some states. A service member who is stationed in a high cost of living state receives a higher allowance. If the variable component of their housing allowance is included in their income when child support is calculated and they are subsequently transferred to a lower cost of living state, their housing allowance will be reduced. However, their child support order will not be reduced to reflect the reduction in their income unless they go back to court to seek a reduction.

Support to avoid disparity for military service members in Wisconsin. DCF recognizes the disparities in housing allowances across the country, as well as the increased burden on service members to seek modifications of their support orders when they are transferred to another state. For these reasons, DCF supports this legislation. We are hopeful that similar legislation will be enacted in all states so that consideration of a service member's housing allowance in calculating income available for child support will be consistent across the country.

Thank you again for the opportunity to provide comments in support of this legislation. If you have any questions, please contact me at amanda.merkwae1@wisconsin.gov or (608) 513-7604.