



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1105/2
EAW:kjf&amn

2017 ASSEMBLY BILL 3

January 12, 2017 - Introduced by Representative OTT, by request of Department of Children and Families. Referred to Committee on Judiciary.

1 **AN ACT to amend** 767.75 (3h) and 767.87 (6) (a) of the statutes; **relating to:**
2 removing the gross income reporting requirement for wage garnishment and
3 changing a reference to federal law (suggested as remedial legislation by the
4 Department of Children and Families).

Analysis by the Legislative Reference Bureau

This bill removes the requirement in current law that when an employer or other income source garnishes an individual's income to pay maintenance, child support, spousal support, or family support, the employer or other income source must report to the Department of Children and Families or its designee the gross income of the individual or other gross amount from which the payment was withheld.

This bill also updates a reference to federal law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 767.75 (3h) of the statutes is amended to read:
6 767.75 (3h) DUTIES OF PERSON RECEIVING ASSIGNMENT NOTICE. A person who
7 receives notice of assignment under this section or s. 767.225 (1) (L) or 767.513 (3)

ASSEMBLY BILL 3**SECTION 1**

1 or similar laws of another state shall withhold the amount specified in the notice
2 from any money that person pays to the payer later than one week after receipt of
3 notice of assignment. Within 5 days after the day the person pays money to the payer,
4 the person shall send the amount withheld to the department or its designee or, in
5 the case of an amount ordered withheld for health care expenses, to the appropriate
6 health care insurer, provider, or plan. ~~With each payment sent to the department or~~
7 ~~its designee, the person from whom the payer receives money shall report to the~~
8 ~~department or its designee the payer's gross income or other gross amount from~~
9 ~~which the payment was withheld.~~ Except as provided in sub. (3m), for each payment
10 sent to the department or its designee, the person from whom the payer receives
11 money shall receive an amount equal to the person's necessary disbursements, not
12 to exceed \$3, which shall be deducted from the money to be paid to the payer. Section
13 241.09 does not apply to assignments under this section.

14 **SECTION 2.** 767.87 (6) (a) of the statutes is amended to read:

15 767.87 (6) (a) Whenever the state brings the action to determine paternity
16 pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19
17 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159,
18 the natural mother of the child may not be compelled to testify about the paternity
19 of the child if it has been determined that the mother has good cause for refusing to
20 cooperate in establishing paternity as provided in ~~42 USC 602 (a) (26) (B)~~ 42 USC
21 654 (29) and the federal regulations promulgated pursuant to this statute, as of
22 July 1, 1981, and pursuant to any rules promulgated by the department which
23 define good cause in accordance with the federal regulations, as authorized by ~~42~~
24 ~~USC 602 (a) (26) (B)~~ 42 USC 654 (29) in effect on July 1, 1981.

25 (END)