



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-036

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In SECTION 4 of the rule, part of the text of current s. DCF 150.04 (1) was not included in the rule. This should be added before the rules are in final form.
- b. In s. DCF 105.05 (1) (d) 1., the correct statutory reference is s. 767.511 (1m), Stats.
- c. It appears that the effective date provision should refer to s. 227.22 (2) (b), Stats.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the note to s. DCF 150.04 (6), under the Calculation for Parent A, “1.5” should be inserted before the 150%, and the percentage should be put in parentheses, similar to what is done for Parent B.
- b. In s. DCF 150.05 (1) (b) 2., does the amount the court may order a parent to contribute to the cost of a private health insurance plan that is accessible and available at a reasonable cost come out of the child support amount, or is the health insurance payment in addition to the child support payment? Does this need to be clarified, or will this be generally understood by readers of this rule?
- c. What is meant by s. DCF 150.05 (1) (e)? Does this allow a court to order a parent to enroll the child in a plan, even though the child is already enrolled? Is this provision necessary,

or are there situations where a court order is beneficial even if the required action is already being taken voluntarily by the parent?

6. Potential Conflicts With, and Comparability to, Related Federal Regulations

Section DCF 105.05 (1) (b) 2. defines a private health insurance plan to be available at a reasonable cost if the cost to enroll the child does not exceed 5% of the insuring parent's "monthly income available for child support." Although this appears to differ from the "5% of gross income standard" in 45 C.F.R. 303.31 (a) (3), it seems to comply with "a reasonable alternative income-based standard" that is permitted in that federal regulation.