



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Margit Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy Director

CLEARINGHOUSE RULE 16-075

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 December 2014.]

2. Form, Style and Placement in Administrative Code

- a. In the second line of the enumeration of provisions treated, “(note)” should be drafted as “(Note)”. [s. 1.09, Manual.]
- b. In the third line of the enumeration of provisions treated, the department should add “(intro.)” between “(b) 2.” so that it reads as “(b) (intro.), 2. and 3.”. [s. 1.03 (3), Manual.]
- c. In the list of statutes interpreted, the department should review its citation to s. 49.22 (9) (a), Stats. There is no par. (a) under sub. (9). The department should determine whether the reference to par. (a) should be deleted or whether the citation should be to a different subsection and paragraph.
- d. In the first paragraph on page 4, the department should modify the citation to the administrative code so that it reads as “s. DCF 150.04 (5) (d)”.
- e. In SECTION 5, the department should insert a space between “3.” and “Multiply”.
- f. In SECTION 6, the title to the created subsection should be written in small caps as follows: ADJUSTMENT FOR ADOPTION ASSISTANCE. [s. 1.05 (2) (c), Manual.]
- g. In the fifth line of the Note to s. DCF 150.04 (2) (b) on page 10, the beginning of the line should be stricken and underscored as follows: “~~Court-ordered~~ Parent A has court-ordered...”. The underscored language does not exist in the current Note and is being added by the proposed rule. Likewise, in the second line on page 11 of the same Note, the beginning of the

line should be stricken and underscored as follows: “~~Court-ordered~~ Parent B has court-ordered...”. [s. 1.06, Manual.]

h. In SECTION 11, the department should change the citation from “DCF 150.05 (2) (b)” to “DCF 150.04 (2) (b)”.

i. The department should review the Note amended under SECTION 11 for consistent spacing between lines and between the components of each calculation.

j. In SECTION 14, the title to the created paragraph should be written in italics as follows: “*Shared placement and serial family parent*”. [s. 1.05 (2) (d), Manual.]

k. In s. DCF 150.05 (1) (b) (intro.) under SECTION 17, “(d) and” should be underscored instead of “and (e)” so that it reads as follows: “par. (d) and (e)”. [s. 1.06 (1) (a), Manual.]

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

a. In the third paragraph of the summary of the proposed rule on page 2, the department should change “veteran’s” to “veterans” because the term is not generally possessive unless it is used in reference to a particular veteran or group of veterans.

b. In the seventh paragraph of the summary of the proposed rule on page 2 and the sixth paragraph on page 3, the department should hyphenate “low income” so as to be consistent with its other references to “low-income”. The department should also review the rule in its entirety for consistency.

c. In SECTION 1, the department modifies the definition of “equivalent care” to explicitly state that six-hour blocks of time are equivalent to a half-day. Does this specification completely remove a court’s discretion on the topic such that the existing definition should be otherwise amended? In SECTION 11, the department provides an example of how equivalent care may be calculated. The example takes the provision of a meal into account, but the impact that provision of a meal has on the calculation of “equivalent care” is not explicitly part of the definition of “equivalent care” under SECTION 1. The department should consider adding a reference to the provision of a meal in the context of “equivalent care” if a court must take the provision of a meal into consideration.

d. In s. DCF 150.03 (5m) (g), under SECTION 6, the department should delete the word “either”.

e. Under step 6 of the Note on page 11, the department should delete the comma that remains after “provider”.

f. In the example of how to calculate and account for equivalent care time under SECTION 11, the department should clarify how it calculates the total number of overnights ($271 + 94 + 92 = 457$ total overnights) and how it calculates the resulting percentage of time spent with each parent ($271/457 = .59$ $.59*100 = 59\%$ time with Parent A. $(94+92)/457 = .407$ $.407*100 = 41\%$ time with Parent B.)

g. The department should make the following changes under SECTION 14:

(1) In line 4, “which” is misspelled.

- (2) In line 7, a space should be inserted into the citation so that it reads as “DCF 150.03 (1)”.
- (3) In line 10, “From” should not be capitalized.
- (4) In line 13, “thee” should instead be “the”.
- (5) In line 15, “NOTE” should be written as “Note”. [s. 1.09, Manual.]
- (6) In line 21, “them” should be changed to “him or her” because “Parent A” is singular.
- (7) In lines 27 and 29, the first letters should not be capitalized.

h. The department should review subd. 2. of s. DCF 150.05 (6) (c) under SECTION 14. It appears that the department intended to create subdivision paragraphs but may have inadvertently left one or more out of the proposed rule draft. Subdivision paragraphs are marked as “a., b., c., etc.” rather than as “(a), (b), (c), etc.”. Subdivision paragraphs should be avoided if possible. Therefore, the department should review whether it intended to insert subdivision paragraphs at all and, if so, whether they are necessary. [s. 1.03, Manual.]

i. In the treatment clause under SECTION 17, “(intro.)” should be inserted between (b) and 2.

j. In s. DCF 150.05 (1) (b) 3., under SECTION 17, the department adds the following sentence: “If the parent ordered to enroll the children does not have self-coverage, a contribution to the cost to enroll the child or children may not exceed the difference between the cost of self-coverage and the cost to the insuring parent to add the child or children.”. The department should review whether it intended the first reference to “self-coverage” to instead be “existing coverage”.

k. In SECTION 18, the department should insert a period after both citations to s. DCF 150.05 (1) (d) 2., and should delete the extra period before s. 49.471, Stats.

l. In line 10 of the Note created under SECTION 19, the department says: “Therefore, the total cost of the policy exceeds 10%.”. The department should review whether it intended to instead say that the total cost of the policy does not exceed 10%.

m. In line 16 of the Note created under SECTION 19, “parent B” should be capitalized to read as “Parent B” for consistency.

n. Lines 16 and 17 of the Note created under SECTION 19 could be rephrased for clarity. For example language, the department could review the Note under s. 150.05 (1) (b) 4., which generally says that a court would order an upward or downward adjustment to a payer’s child support obligation under certain circumstances. This may be more clear than “Parent’ B’s contribution to the cost of health insurance will occur as a downward deviation to the cash monthly support amount”.

o. Under SECTION 21, the department proposes to create Appendix E, but the text of Appendix E is not included in the proposed rule. The department should insert its proposed language for Appendix E.