



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBa0792/1
PJK:cjs:pg

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 250**

August 7, 2003 - Offered by Representative MUSSER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 10: after "support" insert ", authorizing a court to waive the
3 accrual of future interest on arrears in certain situations,".

4 **2.** Page 14, line 23: after that line insert:

5 **"SECTION 24c.** 767.25 (6) of the statutes is renumbered 767.25 (6) (am), and
6 767.25 (6) (am) (intro.), as renumbered, is amended to read:

7 767.25 (6) (am) (intro.) ~~A~~ Except as provided in par. (bm), a party ordered to
8 pay child support under this section shall pay simple interest at the rate of 1% per
9 month on any amount in arrears that is equal to or greater than the amount of child
10 support due in one month. If the party no longer has a current obligation to pay child
11 support, interest at the rate of 1% per month shall accrue on the total amount of child
12 support in arrears, if any. Interest under this subsection is in lieu of interest
13 computed under s. 807.01 (4), 814.04 (4), or 815.05 (8) and is paid to the department

1 or its designee under s. 767.29. Except as provided in s. 767.29 (1m), the department
2 or its designee, whichever is appropriate, shall apply all payments received for child
3 support as follows:

4 **SECTION 24d.** 767.25 (6) (bm) of the statutes is created to read:

5 767.25 (6) (bm) If the court finds that a payer has an obligation to pay child
6 support, as determined under s. 767.251, or arrears that the payer has no ability to
7 reasonably comply with, and that payer has made a reasonable effort to maximize
8 his or her earning capacity, the court may waive any future interest charges on
9 arrears, as long as the payer stays in full compliance with the court’s order for future
10 support and a minimum installment payment of arrears established under s.
11 767.265 (1) or 767.30 (1).”.

12 **3.** Page 16, line 18: delete lines 18 to 23 and substitute:

13 “(f) For the purpose of calculating child support the court shall use actual
14 current income of a parent. However, if the court determines that the actual current
15 income of a parent is not available or the parent is intentionally not working at least
16 35 hours a week and that parent is available to work, and that employment
17 opportunities exist in the parent’s community for which the parent is qualified, the
18 court shall impute to the parent a gross income based on a normal work schedule for
19 that parent’s occupation, the parent’s educational attainment and work experience,
20 and the type of employment opportunities in the parent’s community for which the
21 parent is qualified.”.

22 (END)