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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2005 Assembly Bill 751</b>	<b>Assembly Amendment 1</b>
<i>Memo published: February 23, 2006</i>	<i>Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)</i>

### **2005 Assembly Bill 751**

Currently, in a paternity judgment or order, a court has no authority to set an obligation to pay expenses relating to the mother's pregnancy and the child's birth if the father has no present ability to pay, even if payments are held in abeyance.

2005 Assembly Bill 751 provides that in a judgment or order determining paternity, including a voluntary acknowledgment of paternity, the court must establish the amount of the father's obligation to pay or contribute to expenses of the mother's pregnancy and the child's birth, and requires the court to set the father's obligation at not more than one-half of the total actual and reasonable pregnancy and birth expenses. Under the bill, the court must specify in the judgment or order whether periodic payments are due on the obligation, based on the father's ability to pay, and provides that, if the court does not require periodic payments because the father does not have the present ability to pay, the court may modify the judgment or order at a later date to require periodic payments if the father has the ability to pay at that time.

### **Assembly Amendment 1**

Assembly Amendment 1 relates to the ability of a person obligated to pay child support (obligor) to object to a tax refund intercept of child support payments. Currently, the sole issue at a hearing on the tax intercept is whether the obligor owes the amount of child support certified. Assembly Amendment 1 requires the obligor's ability to pay to also be considered at the hearing if the obligation relates to an order for payment of the mother's pregnancy and birth expenses, and the order specifies that the court found that the obligor's income was at or below the federal poverty line at the time the paternity judgment was entered.

**Legislative History**

The Assembly Committee on Children and Families offered Assembly Amendment 1. On February 22, 2006, the committee recommended adoption of the amendment and passage of the bill, as amended, on votes of Ayes, 7; Noes, 0.

AS:ksm