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## Administrative Paternity

Chairman Kitchens and fellow members of the Children and Families Committee, thank you for hearing AB954 today. This bill is known as the Administrative Paternity bill.

As the chair of the Public Benefit Reform committee I have worked towards Wisconsin's attainment for the top ranking in child support collections and enforcements because of the strain placed on our benefit programs from parents who are not held financially responsible for their own children.

It is critical that to the extent possible two parents be responsible for every child here in our state. The first step in making sure that responsibility exists is establishing paternity. It should no longer be acceptable that long delays and costly court time be spent on establishing something as relatively simple as paternity.

Recently, Assembly Amendment 1 to Special Session Bill 8 removed the references to a child support order being made by a "court," in order to recognize administrative or other child support actions. This is a first for the state of Wisconsin towards an administrative paternity process.

Many states use both the judicial and administrative paternity methods freeing up time for the courts AK, CO, CT, FL, GA, HI, IL, IA, KY, ME, MO, MT, NV, NC, OK, OR, PA, SC, SD, TX, UT, VA, WA. WI would be the 24th state to do.

Yes, this bill looks involved and it does take up a lot of pages, but as you look at the bill you see it is predominately changes to 767.804 and how those changes play out through the rest of our statutes referencing child support. I have brought some experts in the field from across the state to testify and register their support and to give firsthand knowledge of how this will be applied and how this process can create better outcomes. I am thankful for their time and knowledge on this issue.

Finally, This bill provides that if the court determines that a judicial determination of whether a male is the father of the child is not in the best interest of the child, the court may dismiss the action with respect to that male, regardless of whether genetic tests have been performed or what the results of those genetic tests were.



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I will turn it over to the experts for their input and we will be happy to answer questions thereafter.

Thank you

Scott Krug



OFFICE OF THE COUNTY EXECUTIVE

# *Milwaukee County*

CHRIS ABELE • COUNTY EXECUTIVE

## **AB 954 – ADMINISTRATIVE PATERNITY**

Testimony of Eric Peterson, on behalf of Chris Abele, Milwaukee County Executive

Assembly Committee on Children & Families

*Wednesday, February 21, 2018*

Honorable Chairman Kitchens & members –

Thank you for hearing testimony today on AB 954, providing for administrative paternity decisions for children born without a father's name on a birth certificate. County Executive Chris Abele and Child Support Services Interim Director, Janet Nelson, fully support AB 954, a bipartisan bill that will have a positive impact on families in Milwaukee County who are in need of paternity establishment services.

While judicial establishment is necessary for some families, many parents would prefer to get the father's name on the child's birth certificate more expeditiously than court processes currently allow. The procedure proposed in this bill would do that, without infringing upon a parent's due process rights to genetic testing or a court hearing. In fact, the bill requires genetic testing in all administrative and most judicial establishment situations. This is a common sense requirement that protects parents and children from ugly paternity questions years after an adjudication that occurred without testing.

Establishing paternity is a necessary and crucial step in child support. Certainly there are times that this establishment is not in the best interests of the child. This bill maintains and expands the ability of the court to not establish paternity when the court deems it necessary to not do so. We are supportive of this concept and provision as well as the entirety of the changes proposed by the legislation.

On behalf of the County Executive and our Child Support professionals, I urge your support of this bill.



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## ADMINISTRATIVE PATERNITY

County child support agencies work with parents to ensure both mother and father, when appropriate, take responsibility for the care and well-being of their children. In a number of cases, the first step in ensuring parental responsibility is establishing paternity.

Under current law, a court may adjudicate a man to be a child's father in a paternity action, or a man and a child's mother may sign and file a statement acknowledging paternity with the state registrar. Both cases result in a conclusive determination that the man is the child's father, and the state registrar may change the child's birth certificate to show the man as the child's father and a court may enter orders for child support, legal custody, and physical placement rights with respect to the man.

LRB-1049/1 streamlines the paternity establishment process in Wisconsin by allowing local child support agencies to walk participants through the paternity establishment process without having to go to court.

Under the bill, a man is conclusively determined to be a child's father if all of the following are satisfied:

- Genetic tests are performed with respect to the child, the child's mother, and the man in response to a subpoena issued by a county child support agency.
- The test results show that the man is not excluded as the father and the statistical probability that he is the father is 99 percent or higher.
- Both the mother and the man are at least 18 years old.
- There is no marriage or statement acknowledging paternity presumption.

If all of the requirements are satisfied, the child support agency must send notice to the parties advising of the test results, that an action may be commenced for orders related to child support, legal custody, and physical placement, and that either party may submit to the child support agency a written objection to the test results. If either party submits an objection, the child support agency must commence a paternity action on behalf of the state and the test results are admissible in the action. If neither party objects, the name of the father will be added on the child's original birth certificate.

**CURRENT STATUS:** LRB-1049/1 is currently out for co-sponsorship. The deadline for co-sponsoring the legislation is Friday, February 16 at 4:00 p.m.

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**REQUESTED ACTION:** Co-sponsor LRB-1049/1, relating to the presumption and conclusive determination of paternity on the basis of genetic test results and orders that Administrative Paternity may be granted on the basis of genetic test results. To sign on to the bill, please contact Hannah in Rep. Krug's office at 266-2015 or Jim in Sen. Testin's office at 266-3123.

**TALKING POINTS:**

- Frees up time for already overworked judges and court personnel.
- Streamlines the paternity establishment process in Wisconsin.
- Affords participants the same due process rights they enjoy under current law. If a man alleged to be the father objects to the use of the test results to establish paternity administratively, the child support agency would not be allowed to submit the results to the state registrar, and instead, would have to file a court action to proceed with paternity establishment.
- Many parents prefer to avoid a court process to establish paternity.
- Establishes paternity in a timely manner – no need to wait for a court date, especially in uncontested cases.
- Supports the state's interest in ensuring all children have two parents to care and provide for them (Wis. Stats. §767.80(6m) - "Father for Every Child Law").
- This bill is supported by the Wisconsin Counties Association and the Wisconsin Child Support Enforcement Association.

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