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Testimony before the Senate Committee on Human Services, Children and Families

Senator André Jacque

February 22, 2021

Fellow Committee Members,

Senate Bills 104, 105, 107 and 108 were recommended by the 2018 Legislative Council Study Committee on Child Placement and Support. Each of these proposals passed the full State Assembly late last session and passed out of committee unanimously in the State Senate, but were not taken up before the session adjourned.

SB 104

Currently, military service members receive allowances to help with housing costs. A variable component may be added to the base housing allowance to cover expenses in states with a higher cost of living. For example, service members receive a higher variable housing allowance when stationed in Hawaii, as opposed to Wisconsin.

The Department of Children and Families currently includes variable housing costs when calculating child support payments. When service members are transferred to a state with a lower cost of living, their variable housing allowance is subsequently reduced. Their child support payments are not altered to reflect their reduction in income, unless service members return to court to seek a modification.

Under SB 104, DCF would no longer be able to include variable housing costs for determining gross income for child support payments. Instead, DCF would utilize base costs to calculate child support. The department is supportive of this legislation.

The current use of variable housing costs, rather than base housing costs, leads to an increased number of court actions for a revision of child support upon each military move. The use of base housing costs would create stability and better reflect the variable housing costs purpose.

SB 104 is identical to 2019 Assembly Bill 102, which originated in the Legislative Council Study Committee on Child Placement and Support. The bill previously passed the Assembly on a voice vote.

SB 105

Under SB 105, the formula that applies in a shared physical placement arrangement will be the primary method of calculating child support in Wisconsin. This is a technical cleanup bill that codifies current practice to reflect that shared physical placement arrangements are now very common, and should no longer be deemed "special circumstances." This bill will help avoid switching to a new methodology for calculating child support payments. It is important to note that formulas used to calculate child support amounts are not changed. DCF supports this change.

In addition, SB 105 makes changes to family support orders. Currently, family support combines portions of child support and maintenance into a single payment. For tax purposes, family support payments are considered



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to be maintenance payments, so the payment is deductible to the payor-spouse and taxable to the recipient-spouse.

Under the federal Tax Cuts and Jobs Act of 2017, maintenance payments, such as family support, are no longer deductible for the payor and not included as income to the recipient.

Due to this tax change at the federal level, this proposal eliminates new family support orders to ensure that these payments are consistent with current state and federal tax laws.

SB 105 is identical to 2019 Assembly Bills 96 and 101, which originated in the Legislative Council Study Committee on Child Placement and Support. Both bills previously passed the Assembly on a voice vote. They have been combined into one bill, as they make purely technical changes.

SB 107

Under current law, divorcing parties are required to file a parenting plan with the court only after mediation fails or if mediation is waived. SB 107 requires parents to submit proposed parenting plans to family court services or the mediator at least 10 days before mediation. Parents are not required to exchange parenting plans with each other prior to mediation.

The parenting plans must include more focus on co-parenting, rather than financial arrangements. Co-parenting proposals are effective in helping parents focus on a child's need and determining arrangements that work best for the family, without litigation. The effectiveness of the current parenting plan process is largely lost and this bill remedies the current system's failure.

SB 107 is identical to 2019 Assembly Bill 99, which originated in the Legislative Council Study Committee on Child Placement and Support. The bill previously passed the Assembly on a voice vote.

SB 108

SB 108 is a piece of Uniform Law Commission legislation, which has already been enacted in 14 states. It creates a process and standards for temporary delegation of custodial responsibilities when a parent is deployed in military or national service. During deployment, that parent may grant his or her custodial responsibilities or visitation to stepparents, grandparents, great-grandparents, or adults who have a parent-like relationship with the child. The bill also establishes a timeframe for termination of these temporary custodial responsibilities when the deployed parent returns. The timeframe depends on the length of deployment.

Temporary custody and placement arrangements are often challenging for military families during deployment, and this legislation would help give these families a sense of certainty during deployment.

SB 108 is identical to 2019 Assembly Bill 93, which originated in the Legislative Council Study Committee on Child Placement and Support. The bill previously passed the Assembly on a voice vote.

Thank you for your consideration of Senate Bills 104, 105, 107 and 108.



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

**Senate Committee on Human Services, Children, and Families Hearing
Monday, February 22, 2020**

Thank you for holding a hearing on Senate Bills 104, 105, 107, and 108 and allowing me to testify in favor of this legislation.

These bills originated in the Study Committee on Child Placement and Support, which I chaired.

The committee was tasked with reviewing current standards for determining physical placement and child support obligations.

The committee was composed of 5 legislators and 8 public members, including a judge, court commissioner, private family law attorney, domestic violence advocate, fathers' rights activists, and county child support agency directors.

The diverse membership of the committee allowed us to hear from multiple stakeholders. It was important for us to receive feedback from both practitioners and parents that would be directly impacted by policy change – both of which were represented on the committee.

Last session, each of these bills passed via voice vote in the Assembly and received unanimous support during the Senate committee process. Unfortunately, due to COVID-19, they were not scheduled for a full Senate vote.

Senate Bill 104

Currently, military service members receive allowances to help with housing costs. A variable component may be added to the base housing allowance to cover expenses in states with a higher cost of living. For example, service members receive a higher variable housing allowance when stationed in Hawaii, as opposed to Wisconsin.

The Department of Children and Families currently includes variable housing costs when calculating child support payments. When service members are transferred to a state with a lower cost of living, their variable housing allowance is subsequently reduced. Their child support payments are not altered to reflect their reduction in income, unless service members return to court to seek a modification.

Under Senate Bill 104, DCF would no longer be able to include variable housing costs for determining gross income for child support payments. Instead, DCF would utilize base costs to calculate child support.

The study committee heard testimony that using variable housing costs, rather than base housing costs, leads to an increased number of court actions for a revision of child support upon each



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

military move. The use of base housing costs would create stability and better reflect the variable housing costs purpose.

Senate Bill 105

Senate Bill 105 makes two technical changes. First, it updates current DCF administrative rules relating to child support formulas to reflect that shared physical placement arrangements are now very common and should not be considered special circumstances.

This bill codifies current practices and helps avoid switching to a new methodology for calculating child support payments. It is important to note that formulas used to calculate child support amounts are not changed.

The study committee heard testimony that the modern focus of child support is on a child's right to share in both parents' income as if the family was intact, and is based on national studies of family expenditures. Senate Bill 105 makes updates to reflect current practice.

In addition, this bill makes changes to family support orders. Currently, family support combines portions of child support and maintenance into a single payment. For tax purposes, family support payments are considered maintenance payments, so the payment is deductible to the payor-spouse and taxable to the recipient-spouse.

Under the federal Tax Cuts and Jobs Act of 2017, maintenance payments, such as family support, are no longer deductible for the payor and not included as income to the recipient.

Due to this tax change at the federal level, Senate Bill 105 eliminates new family support orders to ensure that these payments are consistent with current state and federal tax laws.

Senate Bill 107

Under current law, divorcing parties are required to file a parenting plan with the court only after mediation fails or if mediation is waived. Senate Bill 107 requires parents to submit proposed parenting plans to family court services or the mediator at least 10 days before mediation. Parents are not required to exchange parenting plans with each other prior to mediation.

The study committee heard testimony that co-parenting proposals are effective in helping parents focus on a child's needs and determining arrangements that work best for the family, without litigation. The effectiveness of the current parenting plan process is largely lost and this bill remedies the existing system's failure.

Senate Bill 108

Senate Bill 108 is a piece of Uniform Law Commission legislation, which is already law in 14 states. It creates a process and standards for temporary delegation of custodial responsibilities



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when a parent is deployed in military or national service. During deployment, that parent may grant his or her custodial responsibilities or visitation to stepparents, grandparents, great-grandparents, or adults who have a parent-like relationship with the child. The bill also establishes a timeframe for termination of these temporary custodial responsibilities when the deployed parent returns. The timeframe depends on the length of deployment.

The study committee heard testimony that temporary custody and placement arrangements are challenging for military families during deployment. This bill would help give these families a sense of certainty during deployment.

Thank you for your time and attention and I ask that you support these bills. I would be happy to answer any questions.

The American Legion,
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Founded on four pillars:

- Veterans Affairs & Rehabilitation
- National Security
- Americanism
- Children & Youth

The mission of The American Legion, Department of Wisconsin is to provide service to veterans, their families and their communities.

February 22, 2021

Mr. Chair and members of the Committee,

Thank you for holding this hearing on SB 108 Uniform Deployed Parents Custody and Visitation Act. I also want to thank the authors and their staffs for the work they have put into this important proposal.

Over all SB-108 is a good bill. That being said, there is always room to make it better. The Fleet sailors are in unique circumstances and this bill does not recognize that.

When a sailor is assigned to a ship, it is a given that he or she will deploy almost annually. It is the nature of life at sea. These tours are usually accompanied by your family. The family only goes as far as the ships home port. Each ship deploys with the family remaining behind. Maybe some have long term notice, maybe they don't; operational commitments are the controlling factor. After a six- or nine-month deployment they will return to the home port for a two- or three-week standdown period and then resume local operations or training for the next deployment. My experience was, you deployed in the fall, return late spring, and mid fall you left on the next deployment. There was no real difference between war time and peace time deployment schedules.

Another issue not recognized in this proposal is the periodic yard periods. A yard period is a time when a vessel is put into an extended maintenance period. This may be near the home port but that is not required. If a ship homeported in San Diego is scheduled for a yard period, it could be in Puget Sound Naval Shipyard, which is located at the other end of the country. If the yard period is less than a year the family will stay in San Diego. This is not a deployment.

The bill is a good indication of how policy has, or is, changing with respect to service members and their families. When I first enlisted the military was learning about how to support those soldiers, sailors, marines and air men who were married. I still recall the old saying, "if the navy wanted you to have a family, they would have issued you one in your seabag."

Much of this is based on my experience with 3 decades in the naval service. We were, at the time, a much larger navy trying to reach 600 ships. Now we are reaching for a 300-ship navy. The commitments have not changed. It is still a challenge for the sailors and their families.

Respectfully Submitted,

Paul Fisk

Legislative Chair

The American Legion, Department of Wisconsin



Support suicide prevention efforts

It is estimated that 22 veterans commit suicide every day. Many do not avail themselves of the services provided by the Wisconsin Department of Veterans Affairs. In Wisconsin far too many children commit suicide each year. The American Legion, Department of Wisconsin supports all efforts to reduce suicide in Wisconsin.

Support legislation and programs that recognize veterans for their service

Wisconsin is the only state that no longer recognizes Veterans Day with paid time off to honor those who served. Wisconsin has over 1,000 service members who are listed as Missing in Action; they need to be accounted for.

The American Legion Department of Wisconsin supports legislation to restore November 11th as a state holiday and to return the remains of Wisconsin service members listed as Missing in Action.

Support programs and legislation to achieve full employment of veterans

Many veterans are either unemployed or under employed. Wisconsin needs to utilize the veteran's skills to achieve a robust, diverse, and sustainable economy. Legion Wisconsin supports all efforts to enable the full employment of Wisconsin

veterans

Support programs and legislation to provide improved access to health care for veterans and their families.

Access to quality health care is difficult for veterans and their families in many parts of Wisconsin. The impact is especially felt by rural veterans, female veterans and veterans of color.

The American Legion, Department of Wisconsin supports efforts to improve access to health care for all veterans regardless of location.

Support our senior veterans

Wisconsin has three Veteran Care Facilities to provide care for our senior veterans. They are located in Central Wisconsin (King), South east Wisconsin (Union Grove), and North west Wisconsin (Chippewa Falls).

These facilities provide essential quality care for our senior veterans. The American Legion, Department of Wisconsin supports the modernization of these facilities to maintain the high quality of care. The Department supports locating Additional facilities in those areas of the state which are under served.

Support benefits for Wisconsin veterans and their families

Wisconsin provides some of the most generous benefits to its veterans found in the country. These benefits not only benefit the veteran families, but also their communities.

The American Legion, Department of Wisconsin not only supports current benefits but also supports providing benefits that are relevant to the newest generation of veterans.

Implement and oversee recent acts of the Legislature and the Administrative Code

During the last Legislature there were several new laws that require revision of State Administrative Code. The American Legion, Department of Wisconsin will work with the Legislature and the Administration to ensure proper implementation.

Support the families of active duty service members and veterans in Wisconsin

The 2019-2020 Legislature began the process of providing new benefits to not only veterans but also to current members of the military community. They are addressing issues such as child support and child custody issues while deployed. Some families have found it difficult to find full employment due to the difficulty in transferring professional credentials. The American Legion, Department of Wisconsin supports Legislation and Programs which provide education benefits to the children of service members and veterans residing in Wisconsin.

The mission of The American Legion,
Department of Wisconsin is to
provide service to veterans, their
families and their communities.

David Wischer
Department Commander

Paul Fisk
Legislative Chair

Cathy Gorst
Legislative Vice-Chair

Ed Cooper
Legislative Committee Member

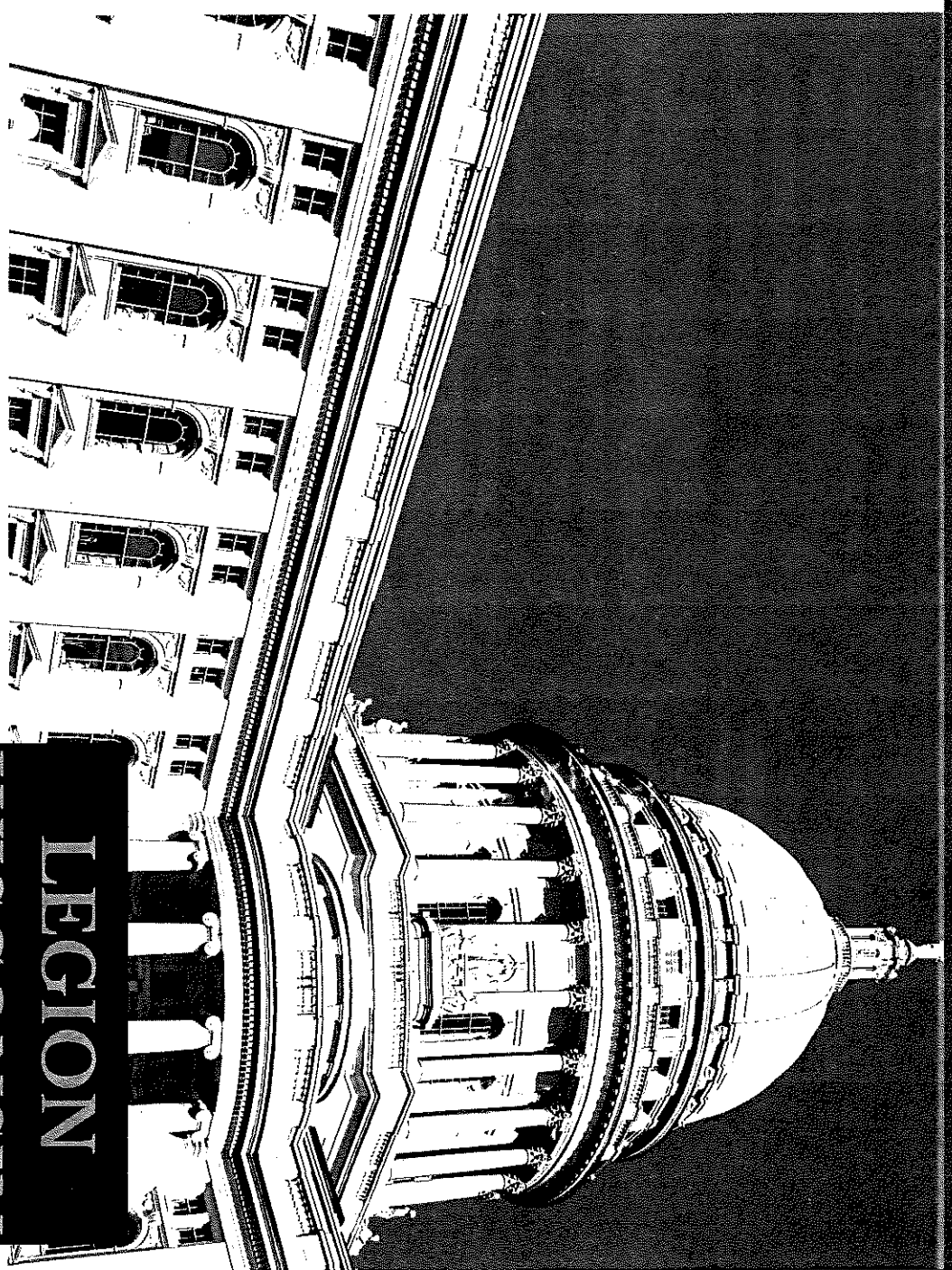
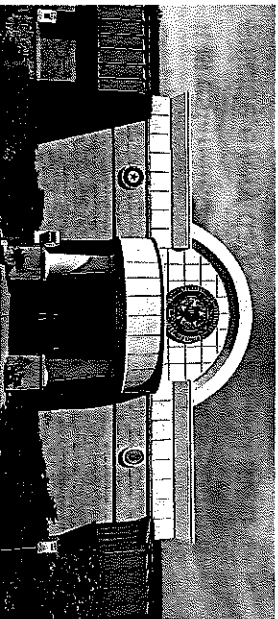
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**LEGION
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for the 2021-2022
Legislative Session