



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1720/1
SWB&EAW:cdc

2021 ASSEMBLY BILL 104

February 18, 2021 - Introduced by Representatives BROOKS, BRANDTJEN, BOWEN, DITTRICH, GUNDRUM, MOSES, MURSAU, SKOWRONSKI, TUSLER and WICHGERS, cosponsored by Senators JACQUE and BALLWEG. Referred to Committee on Family Law.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 767.225 (1) (e); and *to amend* 565.30 (5m) (a), 767.34 (1),
2 767.35 (1) (c), 767.511 (6m), 767.531 (intro.), 767.54, 767.553 (1) (a), 767.59 (1),
3 767.61 (3) (i), 767.71 (1) (a), 767.73 (1) (a), 767.75 (1) (b), 767.77 (1) and 767.78
4 (1) of the statutes; **relating to:** calculating the child support obligation and
5 elimination of family support.

Analysis by the Legislative Reference Bureau

This bill reorganizes certain aspects of the Department of Children and Families administrative rules relating to commonly used child support formulas in order to reflect current practices. The manner of calculating the amount of child support and the applicable formulas are not changed in the bill. The bill also makes statutory changes to eliminate future family support orders.

Under current DCF rules, the child support formula that applies in a shared physical placement arrangement is included among the formula for “special circumstances.” The bill moves the formula that applies in a shared physical placement arrangement to a new section of DCF’s rules before all of the child support formula variations. The bill also specifies that, under DCF rules, the designated percentage that applies in a nonshared physical placement arrangement applies only if the conditions for the shared placement formula do not apply.

The bill creates a new defined term under the DCF rules for a “designated percentage,” to mean the applicable percentage of a parent’s monthly income, or adjusted monthly income, that is available for child support. The “designated

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percentage” phrase is then used within the calculations for a shared-placement arrangement and circumstances of a serial-family parent, split-placement parents, and combinations of special circumstances.

The bill retitles the applicable DCF administrative code chapter from “Child Support Percentage of Income Standard” to “Child Support Standard.” The bill also removes the definition of the term “standard” or “percentage standard” from DCF’s rules and moves a Note appended to the definition of “standard” in the DCF rules to the new definition of the “designated percentage.” The Note specifies that the standard is based on national studies and is adjusted downward to reflect costs incurred by a parent when a child is in the parent’s care and costs to maintain a child’s health insurance.

The bill moves the listing of the designated percentage amounts, and the standard that applies to a request for a deviation from the percentage standard, to be placed with and follow the shared physical placement arrangement formula under DCF’s rules. The new section is titled, “Determining the child support obligation.” The bill also updates cross-references within the DCF rules to reflect the reorganization of the shared physical placement and designated percentage provisions.

In addition to the administrative code changes, the bill also changes the statutes to eliminate family support orders, providing that no new family support orders may be issued beginning on the bill’s effective date. Family support orders issued before the bill’s effective date would remain in effect and be subject to all provisions in current law that apply to family support orders, including provisions relating to calculating interest and the duties of DCF regarding application of payments received.

Under current law, family support is an alternative that combines the component parts of child support and maintenance in a single obligation, and is based upon the same criteria that apply to orders for child support and maintenance. Family support payments are treated as maintenance payments for federal and state tax purposes, so that the family support payment amount is deductible to the payor-spouse, and taxable to the recipient-spouse. However, under s. 11051 of the federal Tax Cuts and Jobs Act of 2017, maintenance payments are no longer deductible by the payor-spouse and are not included in income to the recipient-spouse. This change applies to any divorce or separation instrument executed after December 31, 2018. Divorce and separation instruments modified after the December 31, 2018, effective date are subject to prior law unless the modification expressly provides that the modified agreement be governed by the new law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 565.30 (5m) (a) of the statutes is amended to read:

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1 565.30 **(5m)** (a) The administrator shall report to the department of children
2 and families the name, address, and social security number of each winner of a
3 lottery prize that is payable in installments and the name, address, and social
4 security number or federal income tax number of the person who has been assigned
5 a lottery prize that is payable in installments. Upon receipt of the report, the
6 department of children and families shall certify to the administrator whether any
7 payee or assignee named in the report is obligated to provide child support, spousal
8 support, maintenance, or family support under s. 767.531, 2019 stats., or s. 767.001
9 (1) (f) or (g), 767.225, 767.34, 767.511, ~~767.531~~, 767.56, 767.804 (3), 767.805 (4),
10 767.85, 767.863 (3), 767.89 (3), 767.893 (2m), or 948.22 (7) or ch. 769 and the amount
11 required to be withheld from the lottery prize under s. 767.75. Subject to par. (b), the
12 administrator shall withhold the certified amount from each payment made to the
13 winner or assignee and remit the certified amount to the department of children and
14 families.

15 **SECTION 2.** 767.225 (1) (e) of the statutes is repealed.

16 **SECTION 3.** 767.34 (1) of the statutes is amended to read:

17 767.34 **(1) AUTHORITY.** The parties in an action for an annulment, divorce, or
18 legal separation may, subject to the approval of the court, stipulate for a division of
19 property, for maintenance payments, for the support of children, ~~for periodic family~~
20 ~~support payments under s. 767.531~~, or for legal custody and physical placement, in
21 case a divorce or legal separation is granted or a marriage annulled.

22 **SECTION 4.** 767.35 (1) (c) of the statutes is amended to read:

23 767.35 **(1) (c)** To the extent that it has jurisdiction to do so, the court has
24 considered and approved or made provision for legal custody and physical placement,

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1 the support of any child of the marriage entitled to support, the maintenance of either
2 spouse, ~~the support of the family under s. 767.531,~~ and the disposition of property.

3 **SECTION 5.** 767.511 (6m) of the statutes is amended to read:

4 767.511 **(6m)** PILOT PROGRAM ON INTEREST RATE. The department may conduct
5 a pilot program under which the interest that accrues on the amounts in arrears
6 specified in ~~sub. (6) and in s. 767.531, 2019 stats., and in sub. (6)~~ shall be at the rate
7 of 0.5 percent per month instead of 1 percent per month. If the department conducts
8 a pilot program under this subsection, the program may begin at any time after
9 December 31, 2013, and the new rate shall apply to interest that accrues during that
10 time.

11 **SECTION 6.** 767.531 (intro.) of the statutes is amended to read:

12 **767.531 Family support.** (intro.) ~~The court may make a financial order~~
13 ~~designated "family support" as a substitute for child support orders under s. 767.511~~
14 ~~and maintenance payment orders under s. 767.56.~~ Subject to s. 767.511 (6m), a party
15 ordered to pay family support under this section, 2019 stats., shall pay simple
16 interest at the rate of 1 percent per month on any amount in arrears that is equal to
17 or greater than the amount of child support due in one month. Subject to s. 767.511
18 (6m), if the party no longer has a current obligation to pay child support, interest at
19 the rate of 1 percent per month shall accrue on the total amount of child support in
20 arrears, if any. Interest under this section is in lieu of interest computed under s.
21 807.01 (4), 814.04 (4), or 815.05 (8) and is paid to the department or its designee
22 under s. 767.57. Except as provided in s. 767.57 (1m), the department or its designee
23 shall apply all payments received for family support ordered under this section, 2019
24 stats., as follows:

25 **SECTION 7.** 767.54 of the statutes is amended to read:

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1 **767.54 Required exchange of financial information.** In an action in
2 which the court has ordered a party to pay ~~child or~~ family support under s. 767.225,
3 2019 stats., or s.767.531, 2019 stats., or child support under this chapter, including
4 an action to revise a judgment or order under s. 767.59, the court shall require the
5 parties annually to exchange financial information. Information disclosed under
6 this section is subject to s. 767.127 (3). A party who fails to furnish information
7 required by the court under this section may be proceeded against for contempt of
8 court under ch. 785. If the court finds that a party has failed to furnish information
9 required under this section, the court may award to the party bringing the action
10 costs and, notwithstanding s. 814.04 (1), reasonable attorney fees.

11 **SECTION 8.** 767.553 (1) (a) of the statutes is amended to read:

12 767.553 (1) (a) An order for child ~~or family~~ support under this chapter may
13 provide for an annual adjustment in the amount to be paid based on a change in the
14 payer's income if the amount of child ~~or family~~ support is expressed in the order as
15 a fixed sum and based on the percentage standard established by the department
16 under s. 49.22 (9). No adjustment may be made under this section unless the order
17 provides for the adjustment.

18 **SECTION 9.** 767.59 (1) of the statutes is amended to read:

19 767.59 (1) DEFINITION. In this section, "support or maintenance order" means
20 a judgment or order providing for child support under this chapter or s. 48.355 (2)
21 (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a),
22 938.357 (5m) (a), 938.363 (2), or 948.22 (7), for maintenance payments under s.
23 767.56, for family support payments under ~~this chapter~~ s. 767.531, 2019 stats., or for
24 the appointment of trustees or receivers under s. 767.57 (5).

25 **SECTION 10.** 767.61 (3) (i) of the statutes is amended to read:

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1 767.61 (3) (i) The amount and duration of an order under s. 767.56 granting
2 maintenance payments to either party, any order for periodic family support
3 payments under s. 767.531, 2019 stats., and whether the property division is in lieu
4 of such payments.

5 **SECTION 11.** 767.71 (1) (a) of the statutes is amended to read:

6 767.71 (1) (a) In this section, “support order” means an order for child support
7 under this chapter or s. 948.22 (7), an order for family support under this chapter,
8 2019 stats., or a stipulation approved by the court for child support under this
9 chapter.

10 **SECTION 12.** 767.73 (1) (a) of the statutes is amended to read:

11 767.73 (1) (a) In this subsection, “support payment” means a payment ordered
12 for support under s. 767.521, support under s. 767.501, child support or family
13 support under s. 767.225, family support under s. 767.531, 2019 stats., revised child
14 or family support under s. 767.59, or child support under s. 767.511, 767.804 (3),
15 767.805 (4), 767.85, 767.863 (3), 767.89, or 948.22 (7) or ch. 769.

16 **SECTION 13.** 767.75 (1) (b) of the statutes is amended to read:

17 767.75 (1) (b) “Payment order” means an order for child support under this
18 chapter, for maintenance payments under s. 767.225 or 767.56, for family support
19 under this chapter, 2019 stats., for costs ordered under s. 767.804 (3), 767.805 (4), or
20 767.89 (3), for support by a spouse under s. 767.001 (1) (f), or for maintenance
21 payments under s. 767.001 (1) (g); an order for or obligation to pay the annual
22 receiving and disbursing fee under s. 767.57 (1e) (a); an order for a revision in a
23 judgment or order with respect to child support, maintenance, or family support
24 payments under s. 767.59; a stipulation approved by the court for child support

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1 under this chapter; and an order for child or spousal support entered under s. 948.22
2 (7).

3 **SECTION 14.** 767.77 (1) of the statutes is amended to read:

4 767.77 (1) DEFINITION. In this section, “payment obligation” means an
5 obligation to pay support under s. 48.355 (2) (b) 4. or (4g) (a), 48.357 (5m) (a), 48.363
6 (2), 938.183 (4), 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2), support
7 or maintenance under s. 767.501, child support, ~~family support~~, or maintenance
8 under s. 767.225, child support under s. 767.511, maintenance under s. 767.56,
9 family support under s. ~~767.225, 2019 stats., or s. 767.531, 2019 stats.~~, attorney fees
10 under s. 767.241, child support or a child’s health care expenses under s. 767.85,
11 paternity obligations under s. 767.804 (3), 767.805 (4), 767.863 (3), or 767.89, support
12 arrearages under s. 767.71, or child or spousal support under s. 948.22 (7).

13 **SECTION 15.** 767.78 (1) of the statutes is amended to read:

14 767.78 (1) DEFINITION. In this section, “financial obligation” means an
15 obligation for payment incurred under s. 767.531, 2019 stats., or s. 48.355 (2) (b) 4.
16 or (4g) (a), 48.357 (5m) (a), 48.363 (2), 767.225, 767.241, 767.511, ~~767.531~~, 767.56,
17 767.61, 767.71, 767.804 (3), 767.805 (4), 767.85, 767.863 (3), 767.89, 938.183 (4),
18 938.355 (2) (b) 4. or (4g) (a), 938.357 (5m) (a), or 938.363 (2).

19 **SECTION 16.** Chapter DCF 150 (title) of the administrative code is amended to
20 read:

21 **CHAPTER DCF 150**

22 **CHILD SUPPORT PERCENTAGE OF**

23 **INCOME STANDARD**

24 **SECTION 17.** DCF 150.02 (9m) of the administrative code is created to read:

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1 DCF 150.02 (9m) “Designated percentage” means the applicable percentage
2 of a parent’s monthly income available for child support or adjusted monthly income
3 available for child support under s. DCF 150.035 (2) or 150.04 (4) or (5).

4 **SECTION 18.** DCF 150.02 (19) of the administrative code is amended to read:

5 DCF 150.02 (19) “Low-income payer” means a payer for whom the court uses
6 the monthly support amount provided in the schedule in Appendix C based on the
7 court’s determination that the payer’s total economic circumstances limit his or her
8 ability to pay support at the level provided under s. DCF ~~150.03 (1)~~ 150.035 and the
9 payer’s income available for child support is at a level set forth in the schedule in
10 Appendix C.

11 **SECTION 19.** DCF 150.02 (26) of the administrative code is amended to read:

12 DCF 150.02 (26) “Shared-placement payer” means the shared-placement
13 parent who is determined to owe a greater support amount than the other parent
14 under the calculation in s. DCF ~~150.04 (2) (b)~~ 150.035 (1).

15 **SECTION 20.** DCF 150.02 (28) of the administrative code is repealed.

16 **SECTION 21.** DCF 150.02 (28) Note of the administrative code is renumbered
17 DCF 150.02 (9m) Note.

18 **SECTION 22.** DCF 150.03 (1) (intro.) of the administrative code is renumbered
19 DCF 150.03 (1) and amended to read:

20 DCF 150.03 (1) ~~DETERMINING INCOME AVAILABLE FOR CHILD SUPPORT USING THE~~
21 ~~PERCENTAGE STANDARD.~~ The court shall determine a parent’s monthly income
22 available for child support by adding together the parent’s annual gross income or,
23 if applicable, the parent’s annual income modified for business expenses; the parent’s
24 annual income imputed based on earning capacity; and the parent’s annual income
25 imputed from assets, and dividing that total by 12. This may be done by completing

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1 the worksheet in Appendix B, although use of the worksheet for this purpose is not
2 required. ~~Except as provided in s. DCF 150.04 (4) and (5), the percentage of the~~
3 ~~parent's monthly income available for child support or adjusted monthly income~~
4 ~~available for child support that constitutes the child support obligation shall be:~~

5 **SECTION 23.** DCF 150.03 (1) (a) to (e) of the administrative code are renumbered
6 DCF 150.035 (2) (a) to (e).

7 **SECTION 24.** DCF 150.03 (1) (e) Note of the administrative code is renumbered
8 DCF 150.035 (2) (e) Note.

9 **SECTION 25.** DCF 150.03 (5) (a) of the administrative code is amended to read:

10 DCF 150.03 (5) (a) The court may consider a child's benefit under 42 USC 402
11 (d) based on a parent's entitlement to federal disability or old-age insurance benefits
12 under 42 USC 401 to 433 and adjust a payer's child support obligation by subtracting
13 the amount of the child's benefit received by the payee. In no case may this
14 adjustment require the payee to reimburse the payer for any portion of the child's
15 benefit. If the payer is receiving the child's benefit, the support amount is either the
16 designated percentage standard applied to the payer's income or the amount of the
17 child's benefit, whichever is greater.

18 **SECTION 26.** DCF 150.03 (5) (b) (intro.), 2. and 7. of the administrative code are
19 amended to read:

20 DCF 150.03 (5) (b) (intro.) If the shared-placement guidelines under s. DCF
21 ~~150.04 (2)~~ 150.035 (1) apply, the child's benefit is split between the parents in
22 proportion to the amount of time the child spends with each parent. Add the
23 proportion of the child's benefit that represents the proportion of time the child
24 spends with the parent not receiving the benefit to the support obligation of the
25 parent who is receiving the child's benefit. Support shall be determined as follows:

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1 2. Multiply each parent's monthly income available for child support by the
2 appropriate designated percentage standard under ~~s. DCF 150.03 (1)~~.

3 7. Offset the resulting amounts against each other. The parent with the greater
4 child support obligation is the shared-placement payer. The shared-placement
5 payer shall pay either the lesser of the amount determined in this subsection or the
6 amount determined using the ~~appropriate~~ designated percentage standard under ~~s.~~
7 ~~DCF 150.03 (1)~~.

8 **SECTION 27.** DCF 150.03 (5m) (intro.), (a), (b) and (g) of the administrative code
9 are amended to read:

10 DCF 150.03 (**5m**) (intro.) ADJUSTMENT FOR ADOPTION ASSISTANCE. The court may
11 consider adoption assistance received by either parent under s. 48.975 (3) (a), Stats.
12 If the shared placement guidelines under s. DCF ~~150.04 (2)~~ 150.035 (1) apply, the
13 adoption assistance should be split between the parents in proportion to the amount
14 of time the child spends with each parent. Add the proportion of the adoption
15 assistance that represents the proportion of time the child spends with the parent
16 not receiving the adoption assistance to the support obligation of the parent who is
17 receiving the adoption assistance. Support shall be determined as follows:

18 (a) Determine each parent's monthly income available for child support under
19 s. DCF 150.03 (1) (~~intro.~~). If a parent has one or more previous child support
20 obligations, determine the parent's monthly income available for child support
21 adjusted for the previous obligations as provided in s. DCF 150.04 (1). Do not include
22 the adoption assistance under s. 48.975 (3) (a), Stats., in either parent's income.

23 (b) Multiply each parent's monthly income available for child support by the
24 appropriate designated percentage standard under ~~s. DCF 150.03 (1)~~.

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1 (g) Offset the resulting amounts against each other. The parent with the
2 greater child support obligation is the shared-placement payer. The
3 shared-placement payer shall pay the lesser of the amount determined in this
4 subsection or the amount determined using the appropriate designated percentage
5 ~~standard under s. DCF 150.03 (1)~~.

6 **SECTION 28.** DCF 150.03 (7) of the administrative code is amended to read:

7 DCF 150.03 (7) CALCULATION OF FAMILY SUPPORT. When the ~~standard under sub.~~
8 (1) designated percentage is used to calculate support under s. 767.531, Stats., the
9 amount determined shall be increased by the amount necessary to provide a net
10 family support payment, after state and federal income taxes are paid, of at least the
11 amount of a child support payment under the standard.

12 **SECTION 29.** DCF 150.03 (11) of the administrative code is renumbered DCF
13 150.035 (3) and amended to read:

14 DCF 150.035 (3) DEVIATION FROM THE PERCENTAGE STANDARD. (a) Upon request
15 by a party, the court may modify the amount of child support payments determined
16 under sub. (1) (2) if, after considering the factors in s. 767.511 (1m), Stats., as
17 applicable, the court finds by the greater weight of the credible evidence that use of
18 the designated percentage standard is unfair to the child or to any of the parties.

19 (b) If the court under par. (a) modifies the amount of child support payment
20 determined under sub. (1) (2), the court shall state in writing or on the record the
21 amount of support that would be required by using the designated percentage
22 ~~standard under sub. (1)~~, the amount by which the court's order deviates from that
23 amount, its reasons for finding that use of the designated percentage standard is
24 unfair to the child or the party, its reasons for the amount of the modification and the
25 basis for the modification as provided under s. 767.511 (1n), Stats.

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1 **SECTION 30.** DCF 150.035 (title) and (2) of the administrative code are created
2 to read:

3 **DCF 150.035** (title) **Determining the child support obligation.**

4 **(2)** DETERMINING THE CHILD SUPPORT OBLIGATION OF NONSHARED PLACEMENT
5 PARENTS. If the conditions under sub. (1) (a) are not met, the child support obligation
6 is one of the following percentages of the parent's monthly income available for child
7 support or adjusted monthly income available for child support, except as provided
8 under s. DCF 150.04 (4) or (5):

9 **SECTION 31.** DCF 150.04 (1) (b) 1. and 3. a. and b. of the administrative code
10 are amended to read:

11 DCF 150.04 **(1)** (b) 1. Determine the parent's monthly income available for
12 child support under s. DCF 150.03 (1) (~~intro.~~).

13 3. a. If the parent is subject to an existing support order for that legal obligation,
14 except a shared-placement order under s. DCF ~~150.04 (2)~~ 150.035 (1), the support
15 for that obligation is the monthly amount of that order.

16 b. If the parent is in an intact family or is subject to a shared-placement order
17 under s. DCF ~~150.04 (2)~~ 150.035 (1), the support is determined by multiplying the
18 appropriate designated percentage under ~~s. DCF 150.03 (1)~~ for that number of
19 children by the parent's monthly income available for child support or, if applicable,
20 determine support under sub. ~~(2)~~, (3), (4), or (5) or s. DCF 150.035 (1).

21 **SECTION 32.** DCF 150.04 (1) (b) 5. a. and b. of the administrative code are
22 amended to read:

23 DCF 150.04 **(1)** (b) 5. a. If the parent is subject to an existing support order for
24 that legal obligation, except a shared-placement order under s. DCF ~~150.04 (2)~~
25 150.035 (1), the support for that obligation is the monthly amount of that order.

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1 b. If the parent is in an intact family or is subject to a shared-placement order
2 under s. DCF 150.04 ~~(2)~~ 150.035 (1), the support is determined by multiplying the
3 appropriate designated percentage under s. DCF 150.03 ~~(1)~~ for that number of
4 children by the parent's monthly income available for child support or, if applicable,
5 determine support under sub. ~~(2)~~, (3), (4), or (5) or s. DCF 150.035 (1).

6 **SECTION 33.** DCF 150.04 (1) (b) 8. of the administrative code is amended to read:

7 DCF 150.04 (1) (b) 8. Multiply the appropriate designated percentage under
8 s. ~~DCF 150.03 (1)~~ for the number of children subject to the new order by the final
9 adjusted monthly income available for child support determined in either subd. 6. or
10 7. to determine the new child support obligation or if applicable, determine the new
11 child support obligation under sub. ~~(2)~~, (3), (4), or (5) or s. DCF 150.035 (1). If
12 multiple child support obligations reduce a serial-family parent's income to a level
13 set forth in the schedule in ch. DCF 150 Appendix C, the court may combine the
14 provisions of this subsection with the provisions for determining the support
15 obligation of a low-income payer under s. DCF 150.04 (4).

16 **SECTION 34.** DCF 150.04 (2) of the administrative code is renumbered DCF
17 150.035 (1), and DCF 150.035 (1) (b) 1., 2. and 5., as renumbered, are amended to
18 read:

19 DCF 150.035 (1) (b) 1. Determine each parent's monthly income available for
20 child support under s. DCF 150.03 (1). In determining whether to impute income
21 based on earning capacity for an unemployed parent or a parent employed less than
22 full time under s. DCF 150.03 (3), the court shall consider benefits to the child of
23 having a parent remain in the home during periods of placement and the additional
24 variable day care costs that would be incurred if the parent worked more. If a parent
25 has one or more previous child support obligations, determine the parent's monthly

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1 income available for child support adjusted for the previous obligations as provided
2 in ~~sub. s. DCF 150.04~~ (1).

3 2. Multiply each parent's monthly income available for child support by the
4 ~~appropriate designated percentage standard under s. DCF 150.03~~ (1).

5 5. Offset resulting amounts under subd. 4. against each other. The parent with
6 a greater child support obligation is the shared-placement payer. The
7 shared-placement payer shall pay the lesser of the amount determined under this
8 ~~subd. subdivision~~ or the amount determined using the ~~appropriate designated~~
9 ~~percentage standard under s. DCF 150.03~~ (1). If the shared-placement payer is also
10 a low-income or high-income payer, the court may combine the provisions of either
11 ~~sub. s. DCF 150.04~~ (4) or (5) with the provisions of this section.

12 **SECTION 35.** DCF 150.04 (3) (b) of the administrative code is amended to read:

13 DCF 150.04 (3) (b) Multiply the amount determined in par. (a) by the pro rata
14 percentage standard for the number of children in split placement who are placed
15 with the other parent. The pro rata percentage standard for the number of children
16 in split placement who are placed with the other parent is calculated by determining
17 the ~~appropriate designated percentage standard under s. DCF 150.03~~ (1) for the total
18 number of children, dividing by the total number of children, and adding together the
19 percentages for the children in split-placement who are placed with the other
20 parent.

21 **SECTION 36.** DCF 150.04 (4) (a) of the administrative code is amended to read:

22 DCF 150.04 (4) (a) The court may use the monthly support amount provided
23 in the schedule in Appendix C as the support amount for a payer with a monthly
24 income available for child support at a level set forth in the schedule if the payer's
25 total economic circumstances limit his or her ability to pay support at the level

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1 determined under s. DCF ~~150.03 (1)~~ 150.035. If a payer's monthly income available
2 for child support is below the lowest income level in Appendix C, the court may set
3 an order at an amount appropriate for the payer's total economic circumstances.
4 This amount may be lower than the lowest support amount in Appendix C.

5 **SECTION 37.** DCF 150.04 (5) (b) of the administrative code is amended to read:

6 DCF 150.04 **(5)** (b) The court shall apply the percentages in s. DCF ~~150.03 (1)~~
7 150.035 (2) to a payer's monthly income available for child support that is less than
8 \$7,000.

9 **SECTION 38.** DCF 150.04 (6) (b) 1. and 4. of the administrative code are
10 amended to read:

11 DCF 150.04 **(6)** (b) 1. Determine the pro rata percentage standard for the total
12 number of children for whom support is being established. The pro rata percentage
13 standard for the total number of children for whom support is being established is
14 calculated by determining the appropriate designated percentage standard under s.
15 ~~DCF 150.03 (1)~~ for the total number of children and dividing by the total number of
16 children.

17 4. Add or offset the child support obligation for children placed with the other
18 parent full-time under subd. 2. with the child support obligation for children in
19 shared-placement under subd. 3. e. The parent with a greater child support
20 obligation is the payer. The payer shall pay the lesser of the amount determined
21 under this subdivision or the amount determined using the appropriate designated
22 percentage standard under s. ~~DCF 150.03 (1)~~. If the payer under this subdivision is
23 also a low-income payer, the child support obligation may be the lesser of the amount
24 determined under this subdivision or under sub. (4).

