

testimony



To: Assembly Committee on Public Benefit Reform
Date: April 11, 2017
From: Chase Tarrier, Public Policy Coordinator
Re: Opposition to AB 57

End Domestic Abuse
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Chairman Krug and Members of the Committee, thank you for the opportunity to provide testimony before today. My name is Chase Tarrier, and I am the Public Policy Coordinator for End Domestic Abuse Wisconsin. End Abuse is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We are opposed to Assembly Bill 57, making a person's eligibility for a public assistance program dependent on his or her cooperation with establishing child support orders, avoiding delinquent support, and cooperation in establishing paternity.

While not the intent of the legislation, this bill would make it more difficult for victims to access essential services that make it possible for victims and their children to live independently of abusers. It would also complicate victims' attempts to remain safely separated from perpetrators by requiring them, in some cases, to go back to court with their abusers and re-litigate child custody cases.

As background, an inability to survive financially apart from abusers is a top reason victims stay in abusive homes and a main reason they are often forced to return to abusers. Therefore, programs like W-2 or FoodShare are key bridges to safety and independence for survivors. Policy changes that affect victims' ability to access these services have a clear bearing on their safety.

Although AB 57 includes a good cause exemption from cooperation for noncompliant victims of domestic violence, determinations of the good cause exemption fall exclusively to the discretion of local child support agencies with a substantial likelihood of inconsistency, which could lead to the deprivation of critical resources from already incredibly vulnerable citizens. Additionally, many survivors of domestic violence choose not to self-identify as victims for a multitude of reasons including fear for their safety and the safety of their children, shame and embarrassment, an inability to get time off from work to visit a child support agency or simply a lack of knowledge about the exemption. Furthermore, forcing delinquent parents to prove that their situation constitutes a 'good cause' can lead to the re-victimization of survivors at an already difficult and traumatic point in their lives.

Many families' court orders regarding child custody and placement do not accurately reflect current arrangements. This is especially true for victims of domestic violence and their children, as victims face pressures from abusers in family court to agree to arrangements on paper that may not be workable and realistic in practice. As time moves on, victims often become the primary caregivers for their children even though the order might specify a different arrangement. Similarly, many orders are vague or do not specifically address many of the considerations that are relevant to an eligibility determination. In all of these cases, families that have orders that don't reflect the real-world arrangements would be forced to

go back to court to seek modifications of orders. Generally, this is a costly and burdensome process, especially for low-income individuals. For victims in particular, going back to court with an abuser can be a dangerous proposition because the victim and perpetrator will have increased contact and communication. Re-litigating child custody and placement runs a significant risk of reigniting abusive dynamics and behavior. Additionally, in a number of situations, a victim will not be able to obtain an accurate order without the consent of the abuser, which gives the abuser the continued ability control the victim.

In a state that is already at the top of the nation when it comes to collections on child support, implementing a proposal that will cost the state close to \$1 million for administrative costs alone is neither cost efficient, nor necessary. This is especially true in light of the risk of possible danger and re-victimization survivors of domestic violence will be forced to experience in order to receive the benefits they and their children rely on.

Thank you again for the opportunity to offer testimony today, I appreciate the Committee's thoughtful consideration of our concerns. If you have any questions about End Domestic Abuse Wisconsin's position on this issue, please contact me at 608.237.3985 or chaset@endabusewi.org.

Testimony

April 11, 2017

Assembly Bill 57

Committee on Public Benefit Reform

In recent decades we've witnessed a large increase in the kinds of lifestyles chosen by parents with young children who bear the consequences of these decisions. Mothers often obstruct, or ignore, court orders to provide the identity and contact information of their children's father. Fathers often fail to pay the full, timely child support required by the courts. Sometimes this is because they simply don't have the money to maintain their obligation; sometimes it's also because they withhold the support due to disputes with the mothers or with the courts. For parents of both genders, their failure to cooperate and comply with a judge's orders frequently leaves them in contempt of court, while the children at stake often suffer the loss of emotional and financial support from parents who choose this negative behavior.

Single mothers who deliberately withhold a father's identity from the courts by lying or obstructing are denying their children the right to a relationship with him, as well as the financial support that courts would order if paternity is established. Furthermore, every child should have the legally enforced right to know the full health history of their biological father, even if he has no interest in helping to raise and support the child. This is also true of the biological mother's identity and health history. A child has to manage and live with his/her hereditary, biological defects and diseases for a complete lifetime, and each child's quality of life could well be determined by that knowledge.

Mothers, (and fathers), who choose the single-parent lifestyle after family court settlements are ordered can seldom provide the economic support and comfort that children require for a satisfying childhood. If single mothers deny the father's claim for child custody and placement, refuse potential child support from absent fathers, then claim food stamps and other welfare benefits from a benevolent government, they should be denied those benefits as a lesson in responsible parenting. At best, children in such families deserve parents, and role models, of both genders because when they attain adulthood, they'll have to cultivate relationships with people of both genders to be successful in life.

Please support Assembly Bill 57 to send a strong message to parents who fail to place their children's best interests above their own selfish needs.

Thank you.

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FAMILY LAW AND PUBLIC INTEREST LAW SECTIONS

To: Assembly Public Benefit Reform Committee members

From: Public Interest Law and Family Law Sections, State Bar of Wisconsin

Date: April 11, 2017

Re: AB 57 - FoodShare/child support compliance

The Public Interest Law and Family Law Sections of the State Bar of Wisconsin join in opposition to AB 57, making eligibility for FoodShare benefits contingent upon cooperation with establishing child support orders, avoiding delinquent support, and cooperation in establishing paternity.

With limited exceptions, AB 57 would deny eligibility for FoodShare benefits to a custodial or noncustodial parent who is three months or more delinquent in court-ordered child support obligations. Statistics from the Department of Health and Human Services indicate that 25 percent of non-custodial parents are poor and 70 percent of child support arrearages are owed by this minority subset of low income parents. Research from the University of Wisconsin Institute for Research on Poverty further demonstrates that compliance with child support orders decreases as arrearages and other debt burdens, such as Medicaid birth cost judgments, increase. Depriving low income parents of FoodShare benefits will lead to even less ability to pay, an increase in arrearages, and even lower compliance with support orders.

The populations who would face the greatest adverse impact from this proposal are those who already face the greatest obstacles to gainful employment and the greatest challenges navigating the legal system. Rather than incentivize compliance with child support orders, this legislation would impose new barriers to compliance among Wisconsin's most vulnerable populations. Investment in the welfare of children and families by pursuing initiatives to promote realistic support orders and the effective implementation of programs that advance linkages to employment, health care, parenting time, civil legal aid, and economic supports are a more effective way to address the needs of this population.

In addition, AB 57 seeks to disqualify both custodial and non-custodial parents from participation in the FoodShare program for failure to "cooperate fully" in the efforts of county child support agencies to establish paternity or establish and enforce child support orders. This element of the proposed legislation is troublesome due to the fact that determinations of non-cooperation and good cause exemption from cooperation fall exclusively to the discretion of local child support agencies with a substantial likelihood of inconsistency, subjectivity, and possibly inappropriately, all of which leads to depriving vulnerable individuals of critical support resources. Adding the additional qualifier that an individual must cooperate "fully" only serves to compound the ambiguity and subjectivity already inherent in existing child support regulations.

Lastly, in contrast to Wisconsin's medical assistance sanctions for non-cooperation, this proposal offers no safe harbor for pregnant and post-partum mothers. New mothers and infant children will be exposed to increased risk of arbitrary termination from the Supplemental Nutritional Assistance Program under this attempt to promote the otherwise laudable goal of enhancing support resources for custodial parents.



STATE BAR OF WISCONSIN

For these reasons, the Public Interest Law and Family Law Sections strongly opposes AB 57 and respectfully requests that the Assembly Public Benefit Reform Committee vote no on this bill.

If you have any questions, please do not hesitate to contact the State Bar lobbyists, Cale Battles, cbattles@wisbar.org, 608.695.5686 or Lynne Davis, ldavis@wisbar.org, 608.852.3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

CHRIS ABELE • COUNTY EXECUTIVE

April 4, 2017

Senator Alberta Darling
Co-Chair, Joint Committee on Finance
State Capitol
Madison WI 53708

Representative John Nygren
Co-Chair, Joint Committee on Finance
State Capitol
Madison WI 53708

Honorable Co-Chairs Darling & Nygren –

We write today with concern and opposition to the proposal in Governor Walker's budget which ties child support compliance to FoodShare benefits. (This item is listed in the LFB summary, DHS, Item 5, pages 228-229). As the state's largest child support services provider, there are serious implications for the health and well-being of children and families in Milwaukee stemming from this proposal.

Sanctioning FoodShare will not help Child Support. Wisconsin is already a national leader in Child Support. We rank 3rd in the nation for collections of current support. Milwaukee County Child Support Services (CSS), with 126,000 cases, approximately one-third of all child support cases in the state, is a major contributor to that success. We are very concerned that using the Child Support program to automatically terminate FoodShare benefits for potentially tens of thousands of fathers in Milwaukee County will make it substantially harder, not easier, to collect child support in Milwaukee County. This will result not only in economic stress and food instability for thousands of families, it will also drive child support performance measures downward in the largest child support agency in the state, pulling down state wide performance measures and making it harder for Wisconsin to earn its share of performance based federal funding.

Using the Child Support program to remove thousands of low income fathers from FoodShare and makes it harder for the Child Support agency to maintain contact with those men. This contact that is necessary to do the great work that Milwaukee County CSS has done with our New Pathways for Fathers and Families program, working to connect Dads with their kids and with work. Just last week, DCF Secretary Eloise Anderson appeared before Joint Finance, and lamented the sad history of social services programs failing to work with Dads. Using Child Support to eliminate FoodShare benefits for indigent fathers is telling these men who have so little that first their earnings, and then their food, will be taken from them. That will make it harder, not easier, to get these men connected to their jobs and their kids, and actively paying their child support obligations.

The proposed budget change spends nearly a half million dollars to create an automatic link from the Child Support KIDS system, to the CARES system, for purposes of automatically triggering sanctions for FoodShare when a non-custodial parent reaches 91 days behind in their child support order. This is too expensive and takes away the discretion of county child support agencies to determine who may be appropriate to sanction.

FoodShare benefits are used by families in need across the state of Wisconsin. But particularly in Milwaukee County, because of the historic dissolution of families, concentration of poverty, and out-of-

wedlock births affecting a largely African American and Latino community; to link Food Share sanctions to Child Support non-compliance in a community with a very high rate of child support participation is to target those sanctions disproportionately on communities of color, and people most in need.

There are a range of enforcement tools available to a Child Support agency to compel Child Support cooperation. Income withholding, tax intercept, lottery intercept, passport denial, lien docket, contempt actions through the courts, account seizures, credit reporting, and levies on real or personal property, are all used by Wisconsin county Child Support agencies. It's a formidable array of enforcement means. Taking away food security should not be one of these enforcement tools. We ask that you delete the funding for automatic referral between KIDS and CARES for FoodShare sanction. If the state's goal is to strengthen the Child Support program, we ask that the GPR and FED funds designated for that software interface be spent instead on the general Child Support program, leaving local county agencies to make the determination of when sanction for non-compliance is appropriate.

Respectfully,



CHRIS ABELE
County Executive
Milwaukee County



JAMES SULLIVAN
Director, Child Support Services
Milwaukee County

cc: Members, Joint Committee on Finance
Senate Majority Leader Scott Fitzgerald
Assembly Speaker Robin Vos
Senate Minority Leader Jennifer Shilling
Assembly Minority Leader Peter Barca



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Assembly Bill 57
Assembly Committee on Public Benefit Reform
April 11, 2017

Thank you, Chairman Krug and committee members, for holding a hearing today on Assembly Bill 57. Thank you also Representative Sanfelippo for co-authoring the bill and appearing to testify.

One of the greatest responsibilities a person takes upon themselves is parenting. Unfortunately, many children do not have the opportunity to be raised and supported by both their parents. In these circumstances, child support orders ensure that single parents and their children are not left struggling to make ends meet while absent parents do not take responsibility for their children. Through enforcement of child support orders, this bill reduces poverty by promoting personal responsibility.

The data shows just how important child support is to single parents and their children. Nationally, in 2013, income from child support received by custodial parents with incomes below the poverty line accounted for 49.2% of their total average income. Of the income single parents living below the poverty line use to support their children, nearly half comes from child support. Consider how devastating it can be when that support does not arrive.

In Wisconsin, too often child support goes unpaid. In 2016, only 74% of child support was collected in the period it was due and only 69% of arrears were collected, below the federal standard of 80% for both statistics. It is tragic anytime a child is not provided the support they need, but when one of every four cases result in children going without needed support, action must be taken.

That is why I authored this bill requiring that to be eligible for FoodShare, non-custodial parents must be compliant with child support orders and paternity establishment attempts. This policy, which was in place until Governor Doyle's 2007 budget eliminated it, is built on the principle that those who bring life into this world must be responsible for their children. Just as custodial parents must prioritize their children's well-being, non-custodial parents should also be held accountable for supporting them.

A few details are important for your consideration of this proposal. This bill recognizes that certain circumstances, such as a change in employment, can cause an occasional overdue payment. To remedy this concern, the provision only applies after three months of payments are in arrears. It also provides that if a court allows a parent to delay a payment or to enter into a payment plan, then their FoodShare benefits will not be suspended. The goal is not to punish those who are attempting in good faith to provide for their children, but rather to ensure that public benefits do not support those who choose not to be responsible for supporting their children.

Thank you, Mr. Chairman and committee members, for your time and consideration of this bill. At this time I am happy to answer any questions from the committee.



JOE SANFELIPPO

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April 11, 2017

Rep. Sanfelippo public testimony on Child Support Enforcement Bill

Chairman Krug and committee members, thank you for holding a public hearing today on Assembly bill 57. Assembly bill 57 requires child support compliance for FoodShare benefits.

The most important job many of us will ever have is being a parent. No matter the circumstances of the family, parents must support their children.

According to the Wisconsin Department of Children and Families, the current Child Support Collection Rate is 74.24%. This is the percentage of support collected in the period it was due. The performance target is 80%.

In 2016, the arrears collection rate was 69% according to DCF. This is the percentage of cases with past due payments that received a collection in the Federal Fiscal Year. Wisconsin was approximately 11% percentage points below the performance target. Assembly bill 57 creates an incentive for paying child support on time for those individuals refusing to live up to their parental responsibilities.

Assembly bill 57 promotes personal responsibility and provides an incentive which promotes responsible parenting. Government should not encourage parents to abandon their responsibilities to provide for their children, yet that is exactly what we do when we do not hold parents accountable. A parent that knows they will still be responsible for their children even if they leave the family will be less inclined to leave.

According to Child Support Enforcement professionals, 27% of the families eligible for child support have income below the poverty level. On average, child support represents over 45% of income for these families. Better enforcement will help lift those families out of poverty and move towards financial independence.

This bill merely restores a procedure used by Wisconsin in the past, until it was changed by Governor Doyle in the 2007-09 budget. Common sense and decency dictate that a family should make every attempt to care for their children before turning to the government for help. This bill will separate those truly needing help from those just scamming the system. Most importantly, this bill will promote family stability by increasing the likelihood of children being cared for by both parents.

This bill requires compliance with child support in order to receive FoodShare benefits. Specifically, individuals not compliant with attempts to establish paternity or who refuse to cooperate in determining the paternity of a child will be denied benefits until they become compliant. Individuals and parents not making required support payments or who refuse to cooperate in establishing or enforcing a child support order will also be ineligible for FoodShare benefits until such time as they become compliant. The bill also prohibits certain parents who refuse to cooperate in providing or obtaining support for their child or who are delinquent in child support payments and do not satisfy an exception specified in the bill from being eligible for FoodShare benefits.

I ask you to support Assembly bill 57.

Thank you again for listening to my testimony on Child Support Enforcement. I am happy to answer any questions you may have.

A handwritten signature in black ink, appearing to read "Joe Sanfelippo". The signature is fluid and cursive, written over a light blue horizontal line.