

WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES
Division of Family and Economic Security
Bureau of Child Support

**To: Child Support Directors
Child Support Supervisors or Lead Workers
Child Support Attorneys**

**From: André Small, Director
Bureau of Child Support**

**CHILD SUPPORT
BULLETIN**

No.: 18-04

Date: July 5, 2018

Subject: Changes to DCF 150

Purpose

This bulletin provides an overview of the changes to Administrative Code Chapter DCF 150, Child Support Percentage of Income Standard, which are effective July 1, 2018.

Background

In January 2015, the Department of Children and Families (DCF) convened an advisory panel to review Wisconsin's Percentage of Income Standard guidelines for setting child support as a part of its federally required quadrennial review. The advisory panel met over a 6-month period to review the results of research conducted by the Institute for Research on Poverty and the Office of Child Support Enforcement, analyze guideline applications in other states, and make recommendations to DCF for changes to Wisconsin's guidelines for establishing child support.

The advisory panel made recommendations regarding the application of the guidelines in special circumstances, as well as the guidelines for the establishment of medical support orders. Officials from advocacy groups participated on the panel, including the State Bar, the Judiciary, the counties and the Legislature.

The recommendations of the advisory panel were submitted to DCF in August of 2015, and formed the basis for the proposed changes in DCF 150. The full report of the advisory panel is available at <https://share.dcf.wisconsin.gov/cs/Policy%20Docs/csb/2018/Child-Support-Guidelines-Review-Report-2015.pdf>. Also, materials related to the legislative review, including the final rule and the summary of public hearing comments and response of DCF, are available at http://docs.legis.wisconsin.gov/code/chr/all/cr_16_075.

Neither the Percentage Standard nor the percentages in the percentage of income standard are being changed. The rule revisions discussed here are all related to application of the Percentage Standard in special circumstances.

Income and Benefits

DCF 150.02(13)(a)7 has been amended to remove the word 'voluntary' from the reference to employee contributions to any pension or retirement account. This change was made to clarify that any contribution to a pension or retirement account is considered income for the purpose of establishing a child support order.

DCF 150.02(13)(a)8 was also amended to clarify that veteran's disability compensation benefits are to be considered income available for child support as those benefits are intended to replace income.

Low-Income Cases

DCF 150.03(3) was amended to add language suggesting job search or a work experience program, such as Children First, as an alternative to imputing income in low-income cases.

Serial-Family Cases

DCF 150.04(1)(a) was amended to clarify that a parent with a legal obligation to support a child in an intact family is a serial-family payer for the purpose of calculating a support obligation for children from a subsequent family. An example is provided in 150.04(6)(c).

DCF 150.04(1)(b)8. was amended to provide that if multiple child support obligations reduce a serial-family parent's income to a level set forth in Appendix C of the rule, the court may combine the provisions of the serial family formula with the provisions for determining support obligations for low income payers.

DCF 150.04(6)(c) was created to clarify that a parent subject to a shared-placement order is a serial-family payer for the purpose of calculating a support obligation for children from a subsequent family.

Shared Placement Cases

DCF 150.04(2)(b)5 was amended to provide that the shared-placement formula may be combined with the high and low income formulas.

DCF 150.04(2)(b)6 was amended to require variable costs shared by the parties be determined based on a list of variable costs agreed to by the parties or ordered by the court based upon lists furnished by the parties. The rule requires that transportation costs related to the exercise of physical placement be included in that list. DCF is currently working with the Office of State Courts to develop a form that can be used to identify variable costs.

DCF 150.04(2)(b)7 was created to clarify that a change in circumstances to modify a child support order should be a change in the circumstances of the parties and not a change in variable costs alone.

DCF 150.02(10) amended the definition of "Equivalent care" to permit the court to consider blocks of time with the child of at least 6 hours as the equivalent of a half-day if a meal is provided during that time period and that two half-day blocks may be considered the equivalent of an overnight.

A note was added to DCF 150.04(2)(b) to provide an example of the use of equivalent care as a measure of shared time that does not involve overnights.

DCF 150.04(2)(b)6 was amended to repeal the provision allowing variable cost orders to be rolled into the child support amount.

Medical Support

DCF 150.05(1)(b)2 changes the measure of reasonable cost for the purpose of determining health care coverage from 5% of each parent's gross monthly income to 10% of the gross monthly

income of each parent and applies it to the full cost of the policy as opposed to the incremental cost of adding the child(ren). For more information on the changes related to the establishment of medical support orders, see CSB 18-05.

Recovery of Birth Costs

DCF 150.05(2)(a) was amended to provide that the recovery of birth costs is inappropriate in cases where the alleged father is a member of an intact family that includes the mother and the subject child at the time paternity or support is established and the father's income, if any, contributes to the support of the child.

Adjustment for Child's Social Security

DCF 150.03(5) was amended to revise the method used to consider a child's benefit under 42 USC 402(d) in both sole placement and shared placement situations. For more information on these adjustments, see CSB 18-06.

Adjustment for Adoption Assistance

DCF 150.03(5m) was created to provide a method for the consideration of adoption assistance received by either parent under s.48.975(3)(a), Stats. For more information on these adjustments, see CSB 18-07.

Questions regarding this bulletin should be sent to BCS via a KIDPOL.

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