

IN RE THE SUPPORT OF CHILD(REN) OF

Case No. FA

FINDINGS AND ORDER (767.08/767.62)

Family A B C D E

IV-D / KIDS Case No.

- Order - 767.08/767.62
Income Withholding Only
Temporary Order
Other -

Type or print all information down to the findings. Form prepared by

Name Daytime Phone#

Date of Hearing

Mother Name SSN DOB Address

Appeared? Yes / No With Counsel? Yes / No If yes, name of counsel

Father Name SSN DOB Address

Appeared? Yes / No With Counsel? Yes / No If yes, name of counsel

Other Appearances State of Wis by Other

Child(ren) - Provide name, date of birth, and social security number, if available

THE COURT FINDS:

Court-ordered payee (CP): Mother / Father / Other NCP: Mother / Father

NCPs Employer Name

Address

Street City State Zip Code + 4

Fax No. Telephone No.

NCP's Gross Monthly Income \$ NCP is paid Weekly Biweekly Monthly Semimonthly

NCP is shirking his/her duty to provide support, and has the capacity to obtain full-time minimum wage earnings.

CP's Gross Monthly Income \$

Other findings:

Check if findings continue on later page

THE COURT ORDERS:

Custody shall be: Joint. Sole with

Placement shall be: Shared. Primary to

Alternative placement with

At all reasonable times upon reasonable notice

Other:

Held open as to

Other custody/placement provisions:

Monthly Payments through WI SCTF (Payable by NCP to CP unless indicated otherwise)

Current Child Support _____ Eff. Date _____ Per continuing order
Repayment of Debts _____ Eff. Date _____ Per continuing order

All payments shall be made to the Wisconsin Support Collections Trust Fund (WSCTF), Box 7420, Milwaukee, WI 53274-0200. The party ordered to make payments herein shall pay an annual receiving and disbursing fee of \$35 to the State of Wisconsin. Wis. Stat. § 767.29(1)(d).

Adjudicated Debts (Debts are payable by NCP unless indicated otherwise)

Birth expenses of \$ _____ Payable to State of Wisconsin Other _____
 Court costs of \$ _____ Payable to Milwaukee County Other _____
 Other \$ _____ Payable to _____

If checked, this order is subject to annual adjustment - Pursuant to Wis. Stat. § 767.33, this child support order may be adjusted annually beginning in _____. The adjustment will be made ONLY if the party receiving support files a stipulation of both parties to the adjustment OR files a motion for implementation of annual adjustment because the party paying support refuses to provide income information or refuses to stipulate to the appropriate adjustment. The effective date of the adjustment shall be the first day of the first month following the date the stipulation is signed by the commissioner or the service of the motion. The adjustment shall be based on a change in the payer's "gross income available for child support" as defined in the Wisconsin Administrative Code, as evidenced by the payer's tax returns, supporting documentation, proof of all non-taxed income and any other evidence of "gross income available for child support". The percentage to be applied, until further order of the court, is _____%. Pursuant to Wis. Stat. § 767.33(1)(c), the parties shall exchange copies of state and federal income tax returns, including copies of all schedules, W-2s and attachments as well as proof of all non-taxed income. This exchange of information shall be done no later than April 15 of each year, commencing April 15, _____. The exchange shall be done in person or by US Mail.

Additional Orders:

Both parties shall name and maintain the child as a covered dependent under all health care programs or policies, covering the cost of medical and dental care, which are now or may be offered by a present or future employer, and shall provide the custodian of the child and the Child Support Agency with copies of such programs or policy identification, and shall assign any benefits provided by such programs or policies to providers of medical or dental care who render care for the child. Such coverage shall be at a reasonable cost, until the parental duty to support is terminated. The Child Support Agency shall be kept informed regarding any change in employment and the availability of insurance. The parties shall divide equally any uninsured medical and dental expenses.

The parties shall annually exchange financial information, including pay stubs and W-2s. Failure to exchange such information may result in contempt proceedings under Wis. Stat. ch. 785 and payment of costs and attorney fees under Wis. Stat. § 767.27. This exchange of information shall be done no later than March 1 of each year, commencing the March following the date of this order. The exchange shall be done in person or by US mail.

Support orders constitute an immediate assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under Chapter 102 or 108, lottery prizes that are payable in installments and other money due or to be due in the future for child support. The assignment shall be for an amount sufficient to ensure payment of the order and to pay any arrears due at a periodic rate not to exceed 50% of the amount of support due under the order, so long as the addition of the amount toward arrearages does not leave the party at an income below the poverty line established under 42 USC 9902(2). A support withholding order has priority over any assignment, garnishment or similar legal process under state laws. No employer may use an assignment under this section as a basis for the denial of employment, the discharge of an employee or any disciplinary action against an employee. Wis. Stat. §767.265. An employer shall not withhold more of an employee's disposable income than allowed pursuant to the Federal Consumer Credit Protection Act unless the employee agrees to have the full amount withheld.

A party ordered to pay child support shall pay simple interest at the rate of 1% per month on any amount unpaid, commencing the first day of the second month after the month in which the amount was due. Wis. Stat. §767.25(6). An order for support, past support, birth expenses and any balances due, whether or not there is an order to make periodic payments, will result in the interception of the obligor's income tax refunds, may be reported to the credit bureau, and is subject to the imposition of a charge against real estate. Wis. Stat. §§ 46.25(11), 46.255, and 767.30.

Disobedience of support orders is punishable under Wis. Stat. Chapter 785, by commitment to the County Jail or House of Correction until the orders are complied with and costs of the proceedings are paid, or until the committed party is otherwise discharged according to law. Wis. Stat. §767.37.

Both parties shall, within 10 days of an address change, notify the Child Support Agency of such change. Further, the payer shall notify the Child Support Agency within 10 days of any change of employer and of any substantial change in the amount of his/her income such that his/her ability to pay support is affected. Notification of a substantial change in the amount of the payer's income will not automatically result in a change in the order unless a revision of the order is sought. Wis. Stat. §767.263. **A court may not retroactively revise the amount of child support previously ordered and due. If a substantial change in circumstances occurs, and an interested party wishes to change the court-ordered support payments, it is that party's responsibility to bring immediate legal action to have the court consider a modification in future support payments.** Wis. Stat. §767.32(1)(m).

Under federal law, each party subject to a child support order has the right to request a review of that order at least every third year. The purpose of the review is to determine whether the existing support order is still appropriate under the child support percentage of income standard, or whether an adjustment is needed to bring the order in line with the standard. A parent who requests a review may be charged a fee.

Any person who is awarded physical placement rights, a child of such person, a person with visitation rights or a person with physical custody of a child may notify the Family Court Commissioner of any problem with these matters. The Family Court Commissioner may refer any person involved to the director of family court counseling services for assistance in resolving the matter. Wis. Stat. §767.11(5)(c).

Whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class C felony, which is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 10 years or both. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph. A court may order a violator to pay restitution and to provide reimbursement for any reasonable expenses incurred by any person or governmental entity in locating and returning the child. Wis. Stat. §948.31.

Other orders: _____

Check if orders continue on next page

PRESIDING OFFICIAL'S NAME, TITLE

PRESIDING OFFICIAL'S SIGNATURE

DATE

Copy of order received: _____

Name

Date

Name

Date