

IN RE THE PATERNITY OF _____

Case No. _____ PA _____

STATE OF WISCONSIN, PETITIONER

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT OF PATERNITY

[] UPON DEFAULT

Petitioner / Co-Respondent

and

Family A B C D E F

Respondent

IVD / KIDS Case No. _____

Form prepared by _____
Name Daytime phone #

Print all information down to "Court-Ordered payee".

Date of Hearing _____

State of Wis. appears by _____

THE COURT FINDS:

Mother's Name _____ DOB ____/____/____
Address (if new) _____
Street City State Zip Code + 4

Mother Appeared? Yes / No With Counsel? Yes / No Counsel's Name _____

The mother has never been married.

The mother married _____ on, _____ however the marital presumption under s.891.39, Stats.,
 does not apply because the conception and birth of the child did not occur while the mother was married.
 has been overcome, by a clear and satisfactory preponderance of the evidence.

If the mother is co-respondent or respondent:

she was served with notice of this action and failed to appear at _____
 she was served with notice of this action and admitted that _____ is the father of her child.

Father's Name _____ DOB ____/____/____
Address (if new) _____
Street City State Zip Code + 4

Father Appeared? Yes / No With Counsel? Yes / No Counsel's Name _____

If the father is a co-respondent or respondent:

he was served with notice of this action and failed to appear at _____
 he was served with notice of this action and admitted that he is the father of the child.

Genetic tests were administered resulting in a statistical probability of parentage of _____%.

The clear and satisfactory preponderance of the evidence establishes this man as the father of the child.

Child's Name _____ DOB ____/____/____

The child was born to the mother at _____
City County State of Birth

Child appeared by GAL? Yes / No GAL's Name _____

Birth Record Information Mother's Maiden Name _____ Father's State of Birth _____

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

Payer's (NCP) Employment Information

NCP is currently employed by _____

Phone _____

Fax _____

Address _____
Street City State Zip + 4

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

NCP is currently unemployed.

NCP's current employment status is unknown.

NCP has a presumed earning capacity of \$ _____ per month, based upon the availability of full-time minimum wage employment.

Additional Findings: _____



Check if findings continue on a later page.

THE COURT ORDERS:

Custody and Physical Placement

- Custody and primary physical placement shall be with the mother / father.
- The mother / father shall have periods of physical placement at reasonable times upon reasonable notice.
- Periods of physical placement are held open to mother / father.
- Custody and physical placement shall be with the parties jointly
- Custody shall be with the parties jointly, with mother / father having primary physical placement.
- _____ shall have periods of physical placement at reasonable times upon reasonable notice.
- _____

Terms

The Vital Statistics fee, if the child was born in Wisconsin, is \$10.00, payable by the father to the State of Wisconsin.
The annual receiving and disbursing fee is \$65.00, payable by the NCP to Wisconsin Support Collections Trust Fund.

- The NCP owes past support in the amount of \$, to _____ the State of Wisconsin / _____
- Reasonable birth expenses are \$ _____, payable by the father to the State of Wisconsin / _____
- Genetic test costs in this action are \$ _____, payable by the NCP to Milwaukee County.
- Service of Process costs are \$ _____, payable by the NCP to Milwaukee County / _____.
- The NCP shall pay these terms at the rate of \$ _____ per month, commencing _____.
- An order for periodic payments on the terms is held open until further court order.

Current Support Payments

- The NCP shall pay support until the child reaches the age of 18, or until age 19 if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent, as follows:
 - \$ _____ per month, commencing _____.
- Support is currently held open.

All payments shall be made to: **Wisconsin Support Collections Trust Fund (WI SCTF)**
Box 74200
Milwaukee, WI 53274-0200

Recipients of child or family support shall pay an annual collection fee of \$25.00 pursuant to s. 767.57 (1e) (c), Wis. Stats., to be deducted from child or family support, maintenance, or arrearage payments after the first \$500 is collected for the year.

Health Care Orders

- A comprehensive private health insurance policy is not available to either parent even with a reasonable cash contribution. The appropriate cash medical support in this matter is \$0.
- Mother / Father has private health insurance available to cover the child(ren) at a reasonable cost and shall enroll the child(ren) as covered dependent(s) under his / her health care plan.
- Mother / Father has private health insurance available to cover the child(ren) and shall enroll the child(ren) as covered dependent(s) under his / her health insurance, however the cost to add the child(ren) under the plan exceeds reasonable cost. As a result, the child support order deviates from the percentage standard by the amount of \$ _____ as a reasonable cash contribution by the other parent toward the cost of the insurance.

Whenever private, comprehensive, accessible and reasonably priced health insurance is not available to cover the child(ren) and such insurance later becomes available to either parent at a reasonable cost, that parent shall enroll the child(ren) under the plan, unless the child(ren) are already enrolled under another private health insurance plan, or the parent's income is below 150% of the federal poverty guideline.

The insuring parent shall provide the other parent and the child support agency with copies of policy information and insurance cards. He / she shall inform the child support agency about any changes in his / her employment and the availability of insurance.

Non-Covered Expenses

The mother and father shall divide equally any unreimbursed health care expenses.

Other Orders _____

Check if orders continue on a later page.

See the attached "Statutory Paternity Judgment Information" sheet for additional important information.

PRESIDING OFFICIAL'S NAME, TITLE PRESIDING OFFICIAL'S SIGNATURE DATE

Copy of judgment received: _____

OFFICE USE ONLY: Data Entry ID _____ Effective Date of Judgment _____ Remove Name _____



STATUTORY PATERNITY JUDGMENT INFORMATION

A. SUPPORT ORDERS 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. §767.75. 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 §767.511(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. §§49.22(11), 49.855, 767.77.

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 §767.78.

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. §767.58. **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 responsibilities to bring immediate legal action to have the court consider a modification in future support payments.** §767.59(1m).

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.

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. §767.54. This exchange of information shall be done no later than March 1 of each year, commencing the March following the date of this orders. The exchange shall be done in person or by US mail.

B. CUSTODY AND PHYSICAL PLACEMENT ISSUES 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. §767.405(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. §948.31.

C. DEFAULT JUDGMENTS A default judgment shall be either served on the respondent or mailed by regular, registered, or certified mail, to the last known address of the respondent. §767.893(2).

D. CHILDREN BORN IN WISCONSIN The Clerk of Courts shall file a report of this judgment with the state registrar, within 30 days after entry of judgment, showing the names, dates and birthplaces of the child and the father, the social security numbers of the mother, father and child and the maiden name of the mother, along with the fee set forth in §69.22(5). §767.89(2).

