

Kay L. Cederberg
Clerk of Circuit Court for Bayfield County
Register in Probate for Bayfield County

DEPUTIES
Denise D Nordin
Jody L Heffner
Bonni S Gary

P.O. BOX 536
117 E. 5TH STREET
WASHBURN, WISCONSIN 54891
715/373-6108

John P. Anderson
CIRCUIT JUDGE
Julie Brown
ELECTRONIC RECORDER

**INSTRUCTIONS FOR SUMMONS AND PETITION IN PATERNITY
ACKNOWLEDGMENT ACTION UNDER WI STATS §767.805(3)**

This form is intended for use by a parent who wishes to start a court action concerning custody, placement or support where both parents have jointly signed and filed with the State a statement acknowledging paternity. **IT IS NOT TO BE USED** to start an action to determine paternity in cases where there has not been an acknowledgment of paternity. It is not to be used if the paternity acknowledgment was signed before April 1, 1998.

The packet includes the following forms:

Summons-Paternity Acknowledgment
Petition for Custody, Placement & Child Support-Paternity Acknowledgment
Uniform Child Custody Jurisdiction and Enforcement Act Affidavit (GF150)
Confidential Petition Addendum (GF-179)
Notice of Motion and Motion for Hearing
Affidavit in Support of Motion for Hearing

MAKE THREE ADDITIONAL COPIES OF YOUR DOCUMENTS when complete and notarized OR the Clerk of Court Office will notarize documents and make copies for \$.25 per page.

After completing the above forms, take the original and three (3) copies of the forms to the Clerk of Circuit Court's office. There will be a \$194.50 filing fee and they will file the case and authenticate your copies.

The above forms need to be **personally served** upon the other party. This is generally done by the Sheriff's Department or local Police Department where the other party resides or by a Private Process Server. If you believe the other party will receive the paperwork willingly, you may have them sign an **Admission of Service** form. This form is available on the wicourts.gov website. After the other party is served or admits service, the proof of service form must be filed with the Clerk of Circuit Court.

Petitioner:

Address: _____

SUMMONS

vs.

Respondent:

Case No:

Address: _____

Unclassified Code: 40503
Paternity Acknowledgment Action
Under WI Stats § 767.805

TO THE PERSON NAMED ABOVE AS A RESPONDENT:

You are notified that the petitioner named above has filed a legal action against you. The petition, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802 of the Wisconsin Statutes, to the petition. The court may reject or disregard any answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is:

**CLERK OF CIRCUIT COURT
117 EAST 5TH STREET, PO BOX 536
WASHBURN, WISCONSIN 54891**

And to: _____, the petitioner, whose address is:

(petitioner's address)

You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court may grant judgment against you for the award of money or other legal action requested in the petition, and you may lose your right to object to anything that is or may be incorrect in the petition. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Wis. Stat. 49.22(9) Information on Percentage Standard for Child Support: As required by WI Stat §767.215, accompanying this Summons will be a document setting forth the percentage standard for child support established by the Department of Workforce Development under WI Stats §49.22(9), and listing the factors that a court may consider for modification of that standard under WI Stats §767.511(lm).

You are hereby notified that if you and the petitioner have any minor children, violation of the following criminal statutes is punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months (Class F Felony) or both; or is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed 3 years and 6 months (Class I Felony) or both.

WI Stats §948.31 Interference with custody by parent or others: (1)(a) In this subsection, "legal custodian of a child" means:

1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.
- 2.(a) The Department of Health and Family Services or the department of corrections or any person or county department under WI Stats §46.215, 46.22 or 46.23 or licensed child welfare agency, if custody or supervision of the child has been transferred under chs.48 or 938 to that department, person or agency.

(b) Except as provided under chs.48 and 938, 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 F Felony. 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.

3. Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents, or in the case of a non-marital child whose parents do not subsequently intermarry under 767.803, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class I Felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

4. Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class F Felony:

- a) Intentionally conceals a child from the child's other parent.
- b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in §822.02(14).
- c) After the issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.

5a. It is an affirmative defense to prosecution for violation of this section if the action:

1. Is taken by a parent or by a person authorized by a parent to protect his or her child in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child.
2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault to himself or herself.
3. Is consented to by the other parent or any other person or agency having legal custody of the child.
4. Is otherwise authorized by law.

5b. A defendant who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.

1. The venue of an action under this section is prescribed in WI Stats §971.19(8).
2. In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless of whether the violator is placed on probation under WI Stats §973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity in locating and returning the child. Any such amount paid by the violator shall be paid to the person or governmental entity which incurred the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.

Wis. Stat. 767.015 Information from the Office of Family Court Commissioner:

1. The procedure for obtaining a judgment or order in this action.
2. The major issues usually addressed in such an action.
3. Community resources and family court counseling services available to assist the parties.
4. The procedure for setting, modifying, and enforcing child support awards or modifying and enforcing legal custody or physical placement judgments or orders.
5. A copy of the statutory provisions in Chapter 767 generally pertinent to this action for inspection or purchase.

Attached to this document is an affidavit concerning custody which is given in compliance with Wis. Stat. 822.29.

If you require services because of a disability, please call the Clerk of Circuit Court's office at 715-373-6108.

Dated this ____ day of _____, 20__.

By the Petitioner: _____ (Signature)

_____ (Printed Name)

_____ (Address)

**PETITION FOR CUSTODY,
PLACEMENT AND CHILD SUPPORT**

Petitioner

vs. (address)

Case No. _____

Respondent

(address)

I, _____ am the parent of the following child based on a signed acknowledgment filed with the State of _____. Both parties are listed on the Birth Certificate(s).

Child's Name _____ **DOB** _____

Upon information and belief, no other action for custody, placement and support of the child has been commenced by either of the parents or is pending in any other court or before any judge in this state or elsewhere. Upon information and belief, the parents have not entered into any written agreement as to custody, placement and support for the child.

The petitioner requests the following relief:
(Cross off whichever provisions you do not think apply).

1. An order determining custody and placement.
2. An order for child support.
3. An order for health care expenses and insurance.
4. An order for birth expenses of the child and mother.
5. The costs of this action.
6. Any other relief that is appropriate.

Dated this _____ day of _____, 20____.

Petitioner's Name

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, State of Wisconsin
My commission expires: _____

Wisconsin Department of Children and Families

Child Support Percentage of Income Standards

Authority and Purpose

Wis. Stat. 49.22(9), requires the Department to adopt and publish a standard, based upon a percentage of the gross income and assets of either or both parents, to be used by courts in determining child support obligations. Chapter DCF 150 of the Wisconsin Administrative Code establishes Wisconsin's percentage of income standard for child support. It is based upon the principle that the child's standard of living should, to the degree possible, be the same as if the child's parents were living together.

Chapter DCF 150 defines the income upon which the support obligation is based, and sets the percentages of income for computing the support obligation based upon a number of children. It also explains optional procedures for adjusting the obligation when the parents share placement, when the parent has an obligation to support another family, or when the payer has particularly high or low income.

Applicability

The percentage standard applies to any temporary and final order for child support, including child support stipulations agreed to by both parents and modifications of existing child support orders. When used to calculate family support, the amount determined under the standard should be increased by the amount necessary to provide a net family support payment, after state and federal income taxes are paid, of at least the amount of child support payment under the standard.

Definition of Income and Assets

Chapter DCF 150 defines gross income as income from any source, whether or not it is reported or taxed under federal law. The income can be in the form of money, property, or services. Public assistance or child support received from previous marriages or business expenses, which the court determines are reasonably necessary for the production of income or operation of a business are subtracted, and wages paid to dependent household member are added to determine "gross income available for child support."

The court may also determine that income may be "imputed" (assumed at a given level) based on earning capacity and/or assets, and that imputed income is added to the gross income for the calculation of the support obligation.

THE PERCENTAGE STANDARD

The percentages are:

- 17% for one child
- 25% for two children
- 29% for three children
- 31 % for four children
- 35 % for five or more children

Wisconsin Statutes require temporary and final support orders to be expressed as fixed sum in most situations.

For further details, refer to Chapter DCF 150 of the Wisconsin Administrative Code and Wisconsin Statute 767 Actions Affecting the Family. (Choose "Wisconsin Law" on <http://www.legis.state.wi.us>)

Statutory Factors Courts May Consider in Determining Child Support Awards for Paternity, Divorce or Legal Separation

Wis. Stat. 767.511, Child Support

(1m) Upon request by a party, the court may modify the amount of child support payments determined under Wis. Stat. 767.511 (1j) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties;

- (a) The financial resources of the child.
- (b) The financial resources of both parents.
- (bj) Maintenance received by either party.
- (bp) The needs of each party in order to support himself or herself at a level equal to or greater than that established under 72 USC 9902 (2).
- (bz) The needs of any person, other than the child, whom either party is legally obligated to support.
- (c) If the parties were married, the standard of living the child would have enjoyed had the marriage not ended in annulment, divorce or legal separation.
- (d) The desirability that the custodian remain in the home as a full-time parent.
- (e) The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.
- (ej) The award of substantial periods of physical placement to both parents.
- (em) Extraordinary travel expenses incurred in exercising the right to periods of physical placement under 767.41.
- (f) The physical, mental and emotional health needs of the child, including any costs for health insurance as provided for under sub. (4m).
- (g) The child's educational needs.
- (h) The tax consequences to each party.
- (hm) The best interests of the child.
- (hs) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.
- (i) Any other factors which the court in each case determines are relevant.

PRINT in BLACK ink

Enter the name of the county in which this case is filed.

STATE OF WISCONSIN, CIRCUIT COURT,
BAYFIELD COUNTY

For Official Use

This form is used for family and paternity case types. Some information may not apply to your case.

Petitioner:

First name Middle name Last name

Respondent:

First name Middle name Last name

Case No. _____

IV-D KIDS Case No. _____

Enter the case number and child support IV-D KIDS number, if known.

Confidential Petition Addendum

Enter the name, date of birth [month, day, year], and social security number of each party.

1. Parties

A. Wife/Mother Name: _____
Date of Birth: _____ SS#: _____ Phone No. _____

B. Husband/Father/Alleged Father Name: _____
Date of Birth: _____ SS#: _____ Phone No. _____

C. Other party (if any): _____
Date of Birth: _____ SS#: _____ Phone No. _____

See attached

Enter the name, date of birth [month, day, year], and social security number of each minor child. If there are no minor children, check none. Attach additional pages if necessary.

2. Children

A. All minor children born to or adopted together by the parties in this action before or during the marriage/relationship are:

None

Name of Minor Child	Date of Birth	SS#

See attached

B. If this is a divorce or legal separation, list **other** minor children born to the wife during this marriage, but not fathered by the husband:

None

Name of Minor Child	Date of Birth	SS#

See attached

The party(s) filing this addendum must sign and print your name and date the document.

Signature

Signature

Print or Type Name

Print or Type Name

Date

Date

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

In the box to the right, enter the name of the case exactly as it is shown on other papers from the same case.

Note: Enter case number if one has been assigned; otherwise, leave case number blank. The clerk will add this.

STATE OF WISCONSIN, CIRCUIT COURT,
 _____ COUNTY

For Official Use

Case Caption:

**Uniform Child Custody
 Jurisdiction and
 Enforcement Act
 Affidavit**

Case No. _____

UNDER OATH I STATE:

Enter the name(s) of the child(ren) and their current address. If they currently reside at separate addresses, provide those addresses on an add'l sheet.

Enter any previous addresses at which the child(ren) have lived in the past 5 years. Attach additional sheet, if necessary.

Enter the names and current address of each person with whom the child(ren) have lived in the last 5 years. If space is insufficient, or if individual children have lived at different address from others, attach an additional sheet and explain.

1. The child(ren)'s name and present address are:
 Name(s): _____
 Present Address: _____ See attached

2. The child(ren) have lived in the following places over the last 5 years:

 _____ See attached

3. The name and present address of each person(s) with whom the child(ren) have lived over the last 5 years is:
 Name: _____
 Present Address: _____
 Time Period: _____

 Name: _____
 Present Address: _____
 Time Period: _____

 Name: _____
 Present Address: _____
 Time Period: _____ See attached

4. I have participated as a party, witness or in any other capacity in any other proceeding concerning the custody, physical placement, or visitation with the child(ren).
 Yes No If Yes, identify court, case number and date of any determination:
 _____ See attached

Check yes or no.
If yes, enter the name of the court, the case number assigned to it, and the nature of the case (that is, what the case was about).

5. I have information of other proceedings concerning the child(ren) pending in Wisconsin or any other state, including enforcement, domestic violence, protective orders, termination of parental rights and adoption.
 Yes No If Yes, identify court, case number and nature of proceedings:

Check yes or no.
If yes, enter the name of and address of each person.

6. I know of persons not a party to this proceeding who have physical custody of the child(ren) or claim to have custody, physical placement, or visitation rights with respect to the child(ren).
 Yes No If Yes, give name and address of each person:

7. I understand that I have a duty to inform the court if I learn in the future of any proceeding concerning the child in Wisconsin or any other state.

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

Signature

Print or Type Name

Date

Have the Notary Public sign, date, and seal the document.

State of _____
County of _____
Subscribed and sworn to before me on _____)

Notary Public/Court Official

Name Printed or Typed
My commission/term expires: _____

Petitioner

**Notice of Motion and
For Hearing**

(address)

VS

Case No. _____

Respondent

(address)

PLEASE TAKE NOTICE THAT the petitioner moves the court to order:
(Cross off any provisions that do not apply.)

1. That the court determine issues of custody and placement.
2. That the court address the issue of child support.
3. That the court address the issue of health insurance for the minor child and payment of uninsured health care expenses.
4. That the court order reimbursement for birth and lying-in expenses.
5. That the court order any other relief it deems appropriate.

This motion will be heard:

Before the Honorable: _____

Location: _____

Date: _____ Time: _____

NOTICE: Both parties must bring to court a fully completed, dated and signed Financial Disclosure Statement and all required attachments.

If you have a disability and need help in court, please call 715-373-6108. If you fail to appear, the court may proceed without you and an order may be entered.

Date: _____ Petitioner: _____

A copy of this Notice of Motion and Motion must be served upon all other parties at least 5 business days before the date of the hearing. If service is by mail, it must be mailed at least 8 business days before the date of the hearing. See the Service Packet for more information.

Petitioner

**Affidavit in Support of
Motion For Hearing**

(address)

VS

PATERNITY ACKNOWLEDGMENT

Respondent

ACTION UNDER 767.805 WIS. STAT.
Classification code: 40503

(address)

Case No. _____

I, _____, being first duly sworn state the following:

1. I am a parent of the child named in the summons and petition in this case. A paternity acknowledgment has been signed and filed with the State of _____.
2. The issues of custody, placement, support, health insurance and payment of birth expenses have not been resolved.
3. I request that a hearing be held to address these issues.

Date: _____

Petitioner: _____

Signature

Print Name

Address

Subscribed and sworn to before me this
_____ day of _____, 20____.

Notary Public, State of Wisconsin
My Commission expires: _____

Petitioner:

REQUEST FOR MEDIATION

vs.

Respondent:

Case No.

- 1. I am the Petitioner in the case listed above.
- 2. The current addresses of the parties are:

PETITIONER:

RESPONDENT:

Name: _____
 Social Security #: _____
 Street Address: _____
 City: _____
 State: _____ Zip Code: _____
 Home Telephone #: _____
 Work Telephone #: _____

Name: _____
 Social Security #: _____
 Street Address: _____
 City: _____
 State: _____ Zip Code: _____
 Home Telephone #: _____
 Work Telephone #: _____

- 3. I request that the parties to this action be referred to mediation by the Court because there is an issue or dispute regarding (check all that apply):

- Legal custody of the minor child of this action
- Primary physical placement of the minor child of this action
- Visitation with the minor child
- Other: _____

Dated this ____ day of _____, 20____

Signature

Printed name