

Petitioner/Joint Petitioner A: _____

Respondent/Joint Petitioner B: _____

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

IN RE: THE MARRIAGE PATERNITY OF _____

Petitioner/Joint Petitioner A

and

Respondent/Joint Petitioner B

The State of Wisconsin (Child Support Agency)

is

is not a party to this action.

Order Relating To

- Paternity
- Legal Custody
- Physical Placement
- Visitation
- Child Support
- Health Care Expenses

Case No. _____

THE COURT FINDS:

1. The parties are subject to

A. a pending action for

Divorce

Annulment

Legal Separation

Paternity

Independent action to determine legal custody of the child or visitation rights.

OR

B. an order that has been granted in an action affecting the family determining: (Check all that apply)

Legal Custody

Periods of Physical Placement

Visitation Rights

Child Support

Coverage of Health Care Expenses

2. A hearing was conducted in this matter on [Date] _____.

THE COURT ORDERS:

1. The order be entered modified with respect to

A. Paternity.

See attached

Specifically: _____

B. Legal Custody for the following children: _____

1) Joint legal custody with both parents.

2) Sole legal custody with [Name of Parent] _____

3) Other: _____

See attached

C. Physical Placement for the following children: _____

1) Primary physical placement with [Name of Parent] _____.

2) Shared placement.

3) The new placement schedule for the changes above is as follows: _____

See attached

4) Placement with [Name of Parent] _____
is required to be supervised. unsupervised.

5) Other: _____

D. Visitation Rights of Certain Persons under §§ 767.43 or 767.44, Wis. Stats. See attached
Specifically: _____

E. Child Support.

1) Based on the below standard calculation, child support shall be paid by _____ to
_____ per _____ in the amount of \$_____.

Child Support based on gross income and the child support percentage of income standards. The standard calculation that applies to this case is

- | | |
|---|--|
| <input type="checkbox"/> 17% for one child. | <input type="checkbox"/> split-placement formula. |
| <input type="checkbox"/> 25% for two children. | <input type="checkbox"/> shared-placement formula. |
| <input type="checkbox"/> 29% for three children. | <input type="checkbox"/> serial-family parent formula. |
| <input type="checkbox"/> 31% for four children. | <input type="checkbox"/> low-income payer formula. |
| <input type="checkbox"/> 34% for five or more children. | <input type="checkbox"/> high-income payer formula. |

2) Child Support Order and basis for a Deviation.

- a. Based on the above standard calculation, the parties understand that child support would be paid by _____ to _____ per _____ in the amount of \$_____.
- b. The court orders a deviation from that amount of child support.
1. A cash contribution from F.2. or F.3.b. below increases decreases this child support amount by _____ (If no deviation, enter "0" or "None") \$_____.
 2. A deviation is based on: [Explain the reasons for any other deviation here] _____ and this increases decreases this child support amount by _____ (If no deviation, enter "0" or "None") \$_____.
 3. The net amount of the child support payment shall begin _____, 20____ in the amount of \$_____ (If no child support is to be paid, enter "0" or "Held Open") \$_____.

3) Issue of child support is reserved and a referral shall be made to the child support agency.

F. Health Care Expenses.

Parents are required to provide private health insurance for their minor child(ren) if service providers are located within 30 miles or 30 minutes from the child's residence and if the cost is reasonable. Reasonable cost is defined as the difference between single and family coverage where the added cost does not exceed 10% of the insuring parent's monthly income available for child support. The insuring parent may receive a contribution toward the cost of the insurance from the other parent, either as a credit against the child support obligation or an increase in the non-insuring parent's child support obligation as long as the increase does not exceed 10% of the non-insuring parent's monthly income available for child support. The parties agree that such medical insurance coverage for the minor child(ren) including medical, dental, orthodontic, hospital, psychiatric, counseling, drug and other health expenses which is currently offered shall be provided and paid by

- 1) both parties shall provide private health insurance and neither parent is required to make a cash contribution to the other.
- 2) _____ shall provide private health insurance. The out of pocket cost (difference between single and family coverage) to cover the child(ren) under such insurance is \$_____. The other parent shall contribute \$_____ toward that cost (as a reasonable cash contribution) and that amount, if any, is included as a deviation in the child support calculation in 4.B. of Child Support and Financial Expenses below.
- 3) a comprehensive private health insurance policy is not available to either parent at a reasonable cost.
- Petitioner/Joint Petitioner A Respondent/Joint Petitioner B
- has enrolled in shall promptly apply for Public Health Insurance.
- a. There is no out of pocket expense for the above Public Health Insurance.

b. Out of pocket cost for such insurance is \$ _____. The other parent shall contribute \$ _____ toward that cost (as a reasonable cash contribution) and that amount, if any, is included as a deviation in the child support calculation in 4.B. of Child Support and Financial Expenses below. If accessible private health insurance becomes available at a reasonable cost to either parent, that parent shall enroll the child(ren) as covered dependents under his/her health insurance.

4) Petitioner/Joint Petitioner A Respondent/Joint Petitioner B does not have free health insurance available and has income below 150% of the federal poverty level and is therefore unable to make a cash contribution toward the cost of the child(ren)'s healthcare. The appropriate cash medical support obligation is \$0. If accessible private health insurance becomes available at a reasonable cost to either parent, that parent shall enroll the child(ren) as covered dependents under his/her health insurance.

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

G. Other:

See attached

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2. All provisions of any previous judgment or order not amended by this order remain in full effect.
3. Whenever private, accessible and reasonably-priced health insurance becomes available to either parent at a reasonable cost, that parent shall enroll the child(ren) as covered dependents under his/her health insurance, unless he child(ren) are already enrolled under another private health insurance plan or unless the parent's income is below 150% of the federal poverty level.
4. Change of Residence of Children. If this order established or modified custody or placement in any way, you are informed of the following:
- Each parent must notify the other parent, the child support agency, and the clerk of court of the address at which they may be served within 10 business days of moving to that address. The address may be a street or post office address.
 - The address provided to the court is the address on which the other parties may rely for service of any motion relating to modification of legal custody or physical placement or to relocating the child's residence.
 - A parent granted periods of physical placement with the child must obtain a court order before relocating with the child 100 miles or more from the other parent if the other parent also has court-ordered periods of physical placement with the child.

5. Parties are notified of the provisions of § 948.31, Wis. Stats. as follows:

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. The department of children and families or the department of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody or supervision of the child has been transferred under ch. 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.

(2) 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 nonmarital child whose parents do not subsequently intermarry under s. 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 the legal custody has been granted by court order to the person taking or withholding the child.

(3) 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 s. 822.02(9).

(c) After 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.

(4) (a) 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; or

4. Is otherwise authorized by law.

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

(5) The venue of an action under this section is prescribed in s. 971.19(18).

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.

(6) 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 s.973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity locating and returning the child. Any such amounts 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.

6. Child Support

a. Pursuant to §767.75, Wis. Stats., this judgment constitutes an immediate assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under Chapter 102 or 108, and other money due or to be due in the future, to the WI SCTF. The assignment shall be for an amount sufficient to ensure payment under this judgment, so long as the addition of the amount toward arrears does not leave the party at an income below the poverty line established under 42 USC 9902(2).

b. Pursuant to §767.57(1)(a), Wis. Stats., all payments for child support ordered shall note the case number and the names of the parties on the face of the check, should be made payable to WI SCTF, and sent to:

Wisconsin Support Collections Trust Fund

Box 74200

Milwaukee, WI 53274-0200.

The WI SCTF will transmit the payments to the proper persons entitled to them.

Failure of an employer to pay the proper amount shall not be a defense for failure to pay the proper amount. If an employer fails to take out the correct amount for child support, the party paying is responsible for paying the full and correct amount directly to WI SCTF.

Pursuant to §767.57(1e), Wis. Stats., the party making payment for child support is responsible for payment of the annual receiving and disbursing fee to WI SCTF.

Pursuant to §767.57(1e)(c), Wis. Stats., an annual fee will be deducted by WI SCTF from payments to recipients of child support or family support.

c. Both parties shall notify, in writing, the other party and the Clerk of Court and the Child Support Agency of the county in which this action is filed, within 10 business days, of any change of employer and employer's address, and of any substantial change in the amount of his/her income, including receipt of bonus compensation, such

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Respondent/Joint Petitioner B: _____

that his/her ability to pay support is affected. Notification of any substantial change in the amount of the payer's income will not result in a change in the order unless a revision or adjustment of the order is sought.

- d. A party ordered to pay child support or family support shall pay simple interest rate according to statutory rate on any amount in arrears that is equal to or greater than the amount of support due in 1 month. If there is no current order, interest shall accrue on the balances due.
- e. Pursuant to §767.75, Wis. Stats., a withholding assignment or order under this section has priority over any other assignment, garnishment, or similar legal process under Wisconsin law. The employer shall not withhold more of the employee's disposable income than allowed pursuant to the Federal Consumer Credit Protection Act unless the employee agrees to have the full amount withheld. No employer may use an assignment under this section to deny employment, or to discharge or take disciplinary action against an employee.
- f. Pursuant to §767.54, Wis. Stats., if the court orders child support the parties shall annually exchange financial information. A party who fails to furnish the information as required by the court under this subsection may be proceeded against for contempt of court under ch. 785, Wis. Stats. If the court finds that a party has failed to furnish the information required under this subsection, the court may award to the party bringing the action costs and, notwithstanding §814.04(1), Wis. Stats., reasonable attorney fees. Failure by a party to timely file a complete disclosure statement as required hereunder shall authorize the court to accept as accurate any information provided in the statement of the other party or obtained under §49.22(2m), Wis. Stats., by WI SCTF or the county child support agency under §59.53(5), Wis. Stats.

7. **Entry of Order**

The clerk of the family court shall file a copy of this order and provide a copy to all parties in the action.

FAILURE TO OBEY THIS ORDER IS PUNISHABLE AS CONTEMPT OF COURT AND MAY RESULT IN A JAIL SENTENCE.

THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

DISTRIBUTION:

- 1. Court File
- 2. Guardian ad Litem
- 3. Parents/Attorney
- 4. Child Support Agency
- 5. Other: _____