

IN RE THE PATERNITY OF:

[ ] Appeared by: \_\_\_\_\_  
Guardian ad Litem

PETITIONER: State of Wisconsin

FINDINGS AND JUDGMENT

[ ] UPON DEFAULT

MOTHER OF CHILD:

Social Security Number:

Address:

CASE NUMBER: P

RESPONDENT:

Social Security Number:

Address:

Date of Birth:

Place of Birth:

The above-entitled matter was heard by the Honorable \_\_\_\_\_, Assistant Family Court Commissioner, for the Honorable \_\_\_\_\_, Circuit Court Judge, on \_\_\_\_\_ Child Support Legal Counsel \_\_\_\_\_ appeared for the State of Wisconsin.

The mother of the child did/did not appear in person, and/but by \_\_\_\_\_

The Respondent was:

- [ ] served with notice of this action, and failed to appear at \_\_\_\_\_
- [ ] served with notice of this action, and appeared personally, and by \_\_\_\_\_, and voluntarily admitted paternity.
- [ ] served with notice of this action, and filed a waiver of appearance and admission of paternity.

The Assistant Family Court Commissioner, having reviewed the court record in the matter, NOW THEREFORE FINDS AND RECOMMENDS:

That the mother of the child gave birth to a \_\_\_\_\_ child named \_\_\_\_\_ on \_\_\_\_\_, in the City of \_\_\_\_\_, County of \_\_\_\_\_, and State of \_\_\_\_\_.

[ ] That the mother of the child has never been married.

[ ] That the mother of the child married \_\_\_\_\_ on \_\_\_\_\_;

however, the marital presumption under §891.39, Wis. 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.

That the Respondent is the father of the child who is the subject of this action.

[ ] That the above judgment was entered [ ] upon a Waiver of First Appearance and Admission of Paternity [ ] upon default. That terms were set on \_\_\_\_\_, by Assistant Family Court Commissioner \_\_\_\_\_ Child Support Legal Counsel \_\_\_\_\_

appeared for the State of Wisconsin. The mother of the child did/did not appear in person. The Respondent did/did not appear. The following terms were set:

That custody and primary physical placement are granted to the mother of the child.

That periods of visitation, at reasonable times and upon reasonable notice, are: granted to the Respondent.

[ ] held open.

granted to the Respondent as follows: \_\_\_\_\_

[ ] Upon Default

[ ] That the Respondent's current employment status is unknown.

[ ] That the Respondent is currently:

[ ] unemployed.

[ ] employed by \_\_\_\_\_ and earns \$ \_\_\_\_\_ gross, every \_\_\_\_\_

[ ] Upon Default

That the Respondent shall pay the following pre-judgment assessments:

- \$ \_\_\_\_\_ , or \_\_\_\_\_ % of gross income for past support from \_\_\_\_\_ to \_\_\_\_\_ , which is payable to \_\_\_\_\_
- \$ \_\_\_\_\_ , for birth expenses, which is payable to \_\_\_\_\_
- \$ \_\_\_\_\_ , for blood test costs, which is payable to \_\_\_\_\_
- \$ \_\_\_\_\_ , for court costs, which is payable to \_\_\_\_\_

That the pre-judgment assessments listed above are payable to the Clerk of Circuit Courts, Milwaukee, Wisconsin, and are ordered:

[ ] repaid at the rate of \$ \_\_\_\_\_ , or \_\_\_\_\_ % of gross income, per month, commencing [ ] on the effective date of this judgment [ ] \_\_\_\_\_ . [ ] held open, until further order of the court, due to the inability of the Respondent to pay.

That the Respondent pay the \$25.00 annual receiving and disbursement fee, as provided in §814.61(12)(b), Wis. Stats.

That the Respondent contribute to the future support of the child:

- ] by payment of \$ \_\_\_\_\_ , or \_\_\_\_\_ % of gross income, per month commencing [ ] on the effective date of this judgment [ ] \_\_\_\_\_ , until the child reaches the age of 19 years, or 18 years and is not pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent.
- ] The court found that, by the greater weight of the credible evidence, the percentage guidelines were not appropriate in this case, because \_\_\_\_\_

Future support is held open, until further order of the court, due to the inability of the Respondent to pay, and that the Respondent is ordered to:

- [ ] appear and participate in a job training and/or placement program through \_\_\_\_\_ and report back to the court periodically, as required, with proof of participation and cooperation in this program.
- [ ] seek employment at the rate of at least \_\_\_\_\_ places per month, and to report back to the court periodically, as required, with proof of these efforts, and/or proof of earnings when employment is obtained.

All payments for future support are to be made to the Clerk of Circuit Courts, Milwaukee County, Wisconsin, to be then disbursed to the person, agency, or institution having the primary physical placement or the assignee.

The non-custodial parent(s) shall provide a copy of his/her tax returns with an attached copy of the W2 forms, to the Office of Child Support Enforcement of Milwaukee County, by the 15th of April, during each year following the entry of the judgment.

That both parents 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 any present or future employer. Such coverage shall be at a reasonable cost to the parents, not to exceed \$ \_\_\_\_\_ per month, until the parental duty to support is terminated. The non-custodial parent(s) shall provide the custodian of the child 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 service to the child. In addition, each parent shall be responsible for fifty percent of the cost of medical and dental care of the child, which is not covered by such programs or policies. This provision does not affect the rights of medical or dental creditors to assert claims against either parent of the child.

Pursuant to §767.263, Wis. Stats., both parents shall notify the Clerk of Circuit Courts of any change of employer, or change of address, within ten days of such a change. Such notification shall also be given within the same time period to the Office of Child Support Enforcement, Milwaukee County Courthouse, 901 North Ninth Street, Milwaukee, WI 53233.

Pursuant to §767.265, Wis. Stats., this order 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 Clerk of Courts for child support.

Disobedience of the portion of the order which directs the payment of child support is punishable under Chapter 785, Wis. Stats., by commitment to the County Jail, or House of Correction, for up to six months.

[ ] Upon Default

Pursuant to §767.327, Wis. Stats., the custodial parent shall provide to the other parent sixty days, written notice, with a copy to the court, of the custodian's intention to establish legal residence outside of this state, or to establish legal residence within this state more than 150 miles from the non-custodial parent, or to remove the child from this state for a period of time exceeding ninety days.

Pursuant to §948.31, Wis, Stats., whoever causes a child to leave, takes a child away, or withholds a child for more than twelve hours from the child's parents, or the custodial parent in the case of a non-marital child where the parents do not subsequently intermarry under §767.60, Wis. Stats., without the consent of the parents, or the custodial parent, is guilty of a Class E felony. This subsection is not applicable if custody has been granted by court order to the person taking or withholding the child. Any parent, or any person acting pursuant to directions from a parent, who does any of the following is guilty of a Class E 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 custody rights to a child, takes the child, or causes the child to leave, with intent to deprive the other parent of physical custody, as defined in §822.02(9), Wis. Stats..
- (c) After issuance of a temporary or final order specifying joint custody rights, takes a child from, or causes a child to leave, the other parent in violation of the custody order, or withholds a child for more than twelve hours beyond the court-approved visitation period.

It is an affirmative defense to prosecution if the action is taken to protect the child, or the fleeing parent, from imminent physical harm, or is consented by the other parent, or is otherwise authorized by law.

Pursuant to §767.32(1)(m) Wis. Stats., a court may not revise the amount of child support previously ordered by a court. Therefore, 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 child support payments.

That the Clerk of Circuit Courts shall file with the State Registrar of Vital Statistics a certified copy of this Findings and Judgment.

A default judgment pursuant to §767.465(2), Wis. Stats., shall be effective thirty days after said judgment is mailed to the Respondent's last known address by certified mail, unless within that time the Respondent presents evidence of good cause for his failure to appear.

Approved as to form: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Child Support Legal Counsel

Based upon the foregoing Findings, it is recommended that Judgment be entered, consistent with these Findings.

Approved as to form and content: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Assistant Family Court Commissioner

Based upon the findings and recommendations of the Family Court Commissioner, it is ordered that Judgment be entered accordingly.

BY THE COURT:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Circuit Court Judge  
Milwaukee County, State of Wisconsin