

**PATERNITY HANDBOOK
RACINE COUNTY
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I. PATERNITY PROCEDURES

A. ESTABLISHING PATERNITY

This section will briefly outline the various ways in which paternity for a child can be established.

1. Voluntary Acknowledgment of Paternity

A Voluntary Paternity Acknowledgment form can be signed and filed with the state registrar, and this is conclusive proof of paternity. The forms can be obtained at the hospital where the child was born, at the Racine County Child Support Department, or at the office of the Register of Deeds located on the first floor of the Racine County Courthouse. **ONCE FILED, THE FORM CAN BE RESCINDED ONLY UNDER CERTAIN CIRCUMSTANCES. YOU MAY WANT TO SEEK LEGAL ADVICE BEFORE SIGNING THIS IMPORTANT DOCUMENT.**

Once the form is filed, the father's name is added to the child's birth certificate. Upon filing of a motion, the court can then make orders regarding custody and placement of the child, payment of child support, orders regarding health insurance for the child and payment of uninsured medical expenses, and determination of the right to take the child as an exemption for state and federal income tax purposes. The court may also address other issues such as payment of birth costs for the child. You must be absolutely certain who the father is before you sign a voluntary acknowledgment. If you are married and have a child with someone other than your husband, you may not use this form.

2. Stipulation

The mother and father of a child can go to the Racine County Child Support Department to enter into a stipulation (a legal agreement) regarding the establishment of paternity. If either party wants a genetic test performed prior to entering into this binding agreement, a genetic test can be done at the Child Support Department. See Genetic Test Review Hearing, page 2.

As part of the stipulation, provisions for custody, placement, child support, medical insurance, payment of uninsured medical expenses and birth costs and tax exemption will be entered. The stipulation is then sent to the court for approval. Again, once the stipulation is approved and is filed with the court, it is a legally binding document.

3. Court Action

An action to determine the paternity of a child may be started by the child, the child's natural mother, a man presumed to be the father because he is married to the mother, a man alleging himself to be the father of the child, the legal or physical custodian of the child, the State of Wisconsin, a Guardian ad

Litem appointed for the child, or a grandparent of the child who may be responsible for supporting the child.

The paternity action is begun by filing a Summons and Petition which must be served on the Respondent to the action. The person to be served is usually the alleged father, or it could be the mother or both the mother and alleged father, depending on who has started the action. The form of the Summons and Petition is set forth in Wis. Stat. sec. 767.80. All paternity hearings are confidential and are closed to the public.

a) Initial Appearance

The first hearing in a paternity action is called the initial appearance. The initial appearance is held 30 days or more after the Summons and Petition are served on the other person who is called the Respondent. At the initial appearance, the court commissioner will advise the alleged father of his rights, including the right to be represented by an attorney, the right to have genetic tests and the right to a jury trial. The court commissioner will also inform the alleged father of his defenses to the paternity action, including that he was sterile or impotent at the time of conception, that he did not have sexual intercourse with the mother during a period of 8 to 10 months prior to the birth of the child, or that another man did have sexual intercourse with the mother during the conceptive period. After being read his rights and his defenses the alleged father either admits or denies that he is the father of the child. If a denial is entered, the court or either party can request that the court order genetic tests. See, Genetic Test Review Hearing, page 2.

If an admission of paternity is entered at the initial appearance, then court commissioner will make orders regarding custody and placement of the child. The commissioner will enter financial orders regarding payment of child support, contribution for birth expenses, and contribution for the costs of genetic tests, if any. The commissioner will also enter orders regarding medical insurance for the child, allocation and payment of any uninsured medical expenses for the child, and allocation of the tax exemption for the child.

If the mother is married at the time that she gives birth, or if she is married when she conceived the child, the law presumes that her husband is the father of the child. If anyone claims that someone other than the husband is the father, the court must appoint a Guardian ad Litem to determine what is in the child's best interest. A Guardian ad Litem is an attorney whose role is to determine what is in the best interest of the person he/she is appointed to represent. See, Guardian ad Litem, page 15. A Guardian ad Litem will also be appointed for a mother or alleged father if one is a minor.

b) Genetic Test Review Hearing

Upon the request of any party at the initial appearance, the court will order the child, mother, and the alleged father to submit to genetic tests. A

review date will then be calendared to get the results of the genetic test. Under certain circumstances, a court may order genetic tests with a male for whom there is probable cause to believe that he has had sexual intercourse with the mother during the conceptive period.

The genetic test is a buccal swab test and it is performed at the Racine County Child Support Department. The lab technician swabs the inside of the mouths of the child and the parties. These cells are then sent to a laboratory for paternity DNA analysis.

If the genetic test establishes a probability of paternity of 99.0% or higher, the alleged father is presumed to be the father. Due to the accuracy of the genetic tests, if the test result is 99.0% or higher, an admission of paternity generally occurs.

c) Trial

If the matter does proceed to a trial, the trial would be heard by a circuit court judge or a jury if requested by the Respondent. The trial consists of two parts. In the first phase, it is determined whether the alleged father is the legal father. If paternity were established in the first phase, the second phase would deal with the issues of custody, placement, child support and other financial issues. A jury would not decide the second phase.

B. PATERNITY JUDGMENT

When the paternity adjudication occurs, whether it was by stipulation or before the court commissioner, the child support department will prepare the findings of fact, conclusions of law and judgment of paternity in a single document which will include any stipulations made. If the case is brought through private attorneys, the petitioner's attorney is responsible for preparing the judgment.

It is important that you read the findings of fact, conclusions of law and judgment of paternity and understand your rights and responsibilities under the paternity judgment.

II. MAJOR ISSUES IN PATERNITY CASES

A. CUSTODY OF CHILDREN

The family court will decide, either by your agreement or by its judgment, which parent(s) should have legal custody of the children. Legal custody of a child refers to the right to make major decisions concerning the child. "Major decisions" include, but are not limited to decisions regarding consent to marry, consent to enter the military service, consent to obtain a motor vehicle license, authorization for non-emergency health care, and choice of school and religion.

There is a presumption that joint legal custody is in the best interests of a child. This presumption may be rebutted in certain situations. If parties share joint legal custody, then both parents make major decisions regarding the child together. Neither parent's legal custody rights are superior to the other, unless specified by the court.

If a parent has sole legal custody, then that parent has the right and responsibility to make all of the major decisions regarding the child, without having to consult with the other parent.

Where there has been a finding of a pattern or serious incident of domestic abuse, a court can order a party to attend and complete a certified Batterer's Program. A parent could also voluntarily refer himself or herself to the program or be otherwise referred to the program. A parent who is found to have committed domestic battery or abuse must have successfully completed treatment for batterers provided through a certified treatment program or by a certified treatment provider BEFORE a court may grant that party joint or sole legal custody of a child.

Currently there are two certified programs operating in Racine County:

1. Alternatives to Violence
Family Service of Racine
420 7th Street
Racine, WI 53403
(262)634-2391
2. Men's Group Domestic Violence Counseling Program
Family Practice Center
1320 Wisconsin Avenue, Box 548
Racine, WI 53401-0548
(262)687-6500

If the parties are unable to agree which parent should have legal custody or primary physical placement of the child, and there is no agreement for joint custody, it will be necessary for the family court commissioner or family court judge to determine which parent should have custody of the child. In all cases where legal custody and/or physical placement is contested, the family court judge or family court commissioner will make temporary orders and may refer the parties to mediation or appoint a Guardian ad litem for the child.

Parenting Plan. In any action affecting the family in which legal custody or physical placement is contested, a party seeking sole or joint legal custody or periods of placement must file a parenting plan with the court before any pretrial conference. A party who fails to timely file a parenting plan waives his/her right to object to the other party's parenting plan. The parenting plan must provide information about all of the following questions:

- a. What legal custody or physical placement the parent is seeking.
- b. Where the parent lives currently and where the parent intends to live during the next 2 years. *
- c. Where the parent works and the hours of employment. *
- d. Who will provide any necessary childcare when the parent cannot and who will pay for the childcare?
- e. Where the child will go to school.
- f. What doctor or health care facility will provide medical care for the child.
- g. How the child's medical expenses will be paid.
- h. What the child's religious commitment will be, if any.
- i. Who will make decisions about the child's education, medical care, and choice of childcare providers and extracurricular activities?
- j. How the holidays will be divided.
- k. What the child's summer schedule will be.
- l. Whether and how the child will be able to contact the other parent when the child has physical placement with the parent providing the parenting plan.
- m. How the parent proposes to resolve disagreements related to matters over which the court orders joint decision-making.
- n. What child support, family support, maintenance or other income transfer there will be.
- o. If there is evidence that either party engaged in domestic abuse with respect to the other party, how the child will be transferred between the parties for the exercise of physical placement to ensure the safety of the child and the parties.

* NOTE: If there is evidence that the other parent engaged in domestic abuse, with respect to the parent providing the parenting plan, the parent providing the parenting plan is not required to disclose the specific residential or employment address, but only a general description of where he or she currently lives and intends to live during the next 2 years or a general description of where he or she works.

Medical History

If sole custody of a child is being awarded to one parent, the law requires the parent without custody to disclose medical and medical history information on a form provided by the court. The court must send the information to the child's physician, as designated by the parent who has custody of the child.

B. PHYSICAL PLACEMENT

Whenever a court enters a custody order, it must allocate periods of physical placement between parents. Unlike "custody" which refers to making major decisions about the child, "physical placement" refers to where a child lives or spends time. When a parent has "primary placement" of a child, that means that the child spends the majority of the time living with that parent. "Periods of placement," formerly known as visitation, refers to the periods of time the child spends with the other parent.

If parties are unable to agree on the placement issue, the court will make a temporary order and the parties will be referred to mediation to hopefully resolve that issue. If mediation is not successful, then a Guardian ad Litem and a Family Court Social Worker are appointed to conduct a placement or custody study. Please refer to section II, D at page 7 for further details of this mediation/study process.

The court will give the Guardian ad Litem and the Family Court Social Worker all the time they need to make final recommendations to the court on this important issue. The court will continue to review the status of the Guardian and Worker at periodic intervals, which means that parties must be prepared to take time off work to attend hearings. When the Guardian and Worker give their final recommendations to the court, the court will generally adopt those recommendations as the order of the court. If there is still disagreement, either party may request an evidentiary hearing or trial before the Circuit Court Judge assigned to the case.

It is very important for parents to understand that the issues of placement and of child support are always independent of one another. In other words, one parent may not deny the other parent periods of placement just because child support is not being paid. Similarly, a parent cannot refuse to pay child support if his or her access to the child is being interfered with or denied.

In determining issues of custody and placement of children, the court considers the following factors:

- a. The wishes of the child's parent or parents as shown by any stipulation between the parties, any proposed parenting plan or any legal custody or physical placement proposal submitted to the court at trial.
- b. The amount and quality of time that each parent has spent with the child in the past, any necessary changes to the parents' custodial roles and any reasonable life-style changes that a parent proposes to make

to be able to spend time with the child in the future.

- c. The age of the child and the child's developmental and educational needs at different ages, child's interactions with parents and siblings and wishes of the child.
- d. The need for regularly occurring and meaningful periods of physical placement to provide predictability and stability for the child.
- e. Whether there has been child abuse, domestic abuse or substance abuse by either parent.
- f. Whether each party can support the other party's relationship with the child, including encouraging and facilitating frequent and continuing contact with the child, or whether one party is likely to unreasonably interfere with the child's continuing relationship with the other party.
- g. The reports of appropriate professionals if admitted into evidence.

C. MOVING THE CHILD INSIDE OR OUTSIDE THE STATE

Pursuant to Section 767.481 of the Wisconsin Statutes, any parent with legal custody and physical placement rights shall provide the other parent and the court, with 60 days written notice of his or her intent to:

- a. establish legal residence with the child outside the state;
- b. remove the child from the state for a period of more than 90 consecutive days; and
- c. establish his or her residence with the child within the state at a distance of 150 miles or more from the other parent.

The notice must be sent by certified mail. The notice must specify the parent's proposed action, including the specific date and location of the move, or the specific beginning and ending dates and the location of the removal. The notice shall also include the right of the non-moving parent to object to the move or removal within 15 days of receiving the notice.

D. MEDIATION/STUDY PROCESS

MEDIATION

Mediation is offered by the Family Court Counseling Service to parents who are seeking to resolve problems concerning custody and placement of their children.

WHAT IS MEDIATION?

Mediation is an effort by the parties to reach a mutually acceptable solution through a communicative process structured and aided by an

objective third party, the mediator.

Mediation is defined by statute as a confidential and cooperative process involving the parties and a mediator who will help the parties define and resolve their own disagreements by applying communication and dispute resolution skills. The best interests of the children are of paramount consideration.

WHEN IS MEDIATION INVOLVED?

You may be referred to the Family Court Counseling Service by the Circuit Court or the Family Court Commissioner in these instances:

- 1) Whenever there is a contested court action, whether on initial determination or modification of an existing court order affecting legal custody and/or physical placement of a child, or
- 2) Whenever parents involved in an ongoing court action indicate to the court or the Family Court Commissioner's office that they wish to have joint legal and physical custody, but need some assistance in coming to an agreeable arrangement, or
- 3) When parents indicate to the Family Court Commissioner that they both wish to make some changes in their legal custody or physical placement arrangement but need some assistance in coming to an agreement, or
- 4) Whenever the Family Court Commissioner is notified by a parent of a child that there is a problem relative to the periods of physical placement OR a person with visitation rights or physical custody notifies the commissioner of such a problem.

MUST I BE INVOLVED IN MEDIATION?

In the first three situations described above, one screening/evaluation is required by law.

WHY MEDIATION?

While the court system is very adept at making decisions, the courtroom may be a poor place for either party to fully express their concerns. Frequently matters are decided, but problems and needs remain. In an emotionally charged atmosphere, it is often difficult, if not impossible, for two sides to effectively communicate and respond to those issues where some interests are shared and others opposed. The fact that mediation is the preferable method to resolve most disputes stands on these facts: Most people are capable of problem solving, and most people want to participate in

making those major decisions which will affect their lives and the lives of the other members of their family. Mediation offers people a way to do this, to resolve their conflict by finding the solution most suited to their needs.

Mediation has other inherent advantages. While mediation requires a certain amount of honest effort, the emotional and financial demands of litigation can be far more costly to all concerned.

Looking to the court as a last resort promotes the misconception that this is a final activity. Unfortunately, the court's decision may be only one step along the way in what will be an ongoing escalation, which could deplete financial resources and further alienate the parties.

Instead of becoming the "last step" the courtroom scene may become one of many steps along the way. Mediation, in concept, is designed to offer parties the opportunity to avoid the courtroom "step(s)".

ARE THERE ANY EXCEPTIONS?

The court might determine that it is inappropriate to attempt mediation based upon presented evidence that there has been child or domestic abuse, that either party is impaired by alcohol or drug abuse, or that either party's health or safety would be endangered by attending the mediation session.

In those cases where mediation is required by law, the Family Court Commissioner will not make a referral to Family Court Counseling Services if written proof is provided that an acceptable alternate provider of mediation has met or will meet with the parents.

WHO IS INVOLVED IN MEDIATION?

Usually only the parties are involved in mediation. The attorneys for the parties (if any) and the attorney for the child (Guardian ad litem) are not involved.

WHAT ISSUES ARE DISCUSSED IN MEDIATION?

The mediator is only permitted to discuss the issues of custody and physical placement of children during the mediation process.

Financial issues will only be discussed if they directly relate to the issues of custody and legal placement and both parties agree in writing to consider one or more of those issues in mediation.

WHAT IF MEDIATION DOESN'T WORK?

If at any point it is found to be inappropriate to continue the mediation of those cases assigned as the result of court action, the parties and the court are so informed by the mediator, and mediation ceases.

WHO DECIDES IF MEDIATION IS OVER?

The mediator has the power to suspend or terminate the mediation if he or she determines that a party will not cooperate or mediation is not appropriate.

WHAT HAPPENS THEN?

If the court is involved, either prior to or after the mediation attempt, the court will order the investigative process to begin. A different worker from the Family Court Counseling Service will be assigned to do the investigation, because a mediator, by law, cannot disclose or reveal information which was disclosed in mediation. The only exception to this requirement occurs when both parties agree in writing to the same worker from Family Court Counseling Service doing the investigation. Otherwise, all activities occurring during mediation are confidential. One other exception is that a mediator must report child abuse and neglect to the proper authorities.

CAN MEDIATION BE RE-ENTERED?

If the parties are agreeable to trying the mediation process once the investigation is under way, they may return to mediation. If the Family Court Counseling Service remains involved, the original mediator will be reassigned. If, at this point, mediation services are involved for the first time, a different worker than the investigative worker will be assigned to mediate.

CONFIDENTIALITY?

All statements made to the mediator are confidential by law. The mediator will not be permitted to testify in court at any time in any proceeding involving the parties.

The parties may waive this confidentiality, but both parties' consent is necessary before the court can accept the waiver.

WHAT DOES MEDIATION COST?

If mediation is not court ordered, there is a \$50.00 non-refundable "walk-in" mediation fee. That fee must be paid by cash or a check or money order made payable to the Family Court Counseling Service at the time of the application. Upon receipt of the application, a mediator will be assigned to assist the parties in resolving the issues of placement and/or custody. The fee is not refunded if the other party does not participate in the mediation process or if no agreement is reached.

In court-ordered mediation, the initial session is a screening and evaluation session to see if, 1) mediation is appropriate and, 2) both parties wish to go through the mediation process. If mediation is deemed appropriate and both parties consent to mediate the dispute, or an agreement is reached at the initial session, or mediation goes forward beyond the initial screening session there will be a fee of \$130.00 each. It is the responsibility of each

party to pay that amount. Once the fee has been paid the parties may return to the mediator in the future to attempt to resolve any disputes. In most cases,

once these determinations are made and time permits, the mediation process will commence at that first meeting.

In those cases where mediation is provided by a resource outside of the Family Court Counseling Services, the costs involved may vary and are the responsibility of the party or parties.

In those situations where mediation has been voluntarily sought and mediation fails, the parties will be informed that mediation will not continue. Then, if either party wishes to pursue the matter, it becomes his/her responsibility to take the matter to court by a motion filed with the family court.

THE STUDY PROCESS

If mediation is not successful and no agreement is reached, the court will refer the matter for a study. A social worker from the Family Court Counseling Service will be appointed to conduct the study. That worker will be someone other than the mediator. The study will consist of the social worker interviewing both parents, the children and any other relevant persons. As a result of the study, the social worker will recommend as may be appropriate, which parent(s) should have custody and what periods of physical placement either parent should have. The court will consider the recommendations of the social worker in making its determination on custody and physical placement.

The court also will appoint an attorney to represent the children in the custody and placement cases. This attorney is called the Guardian ad litem, and it is this attorney's job to represent the best interests of the children. See, Guardian ad litem, Page 15. The Guardian ad litem also interviews both parties and the children, makes recommendations to the court and gives reasons behind the recommendations.

The cost for the custody study and the attorney fees for the Guardian ad litem are expenses which the parties must bear in addition to their own attorney's fees. A single flat fee of \$260.00 is assessed for mediation, regardless of the number of sessions provided. For a custody/placement study, the social worker bills \$525.00. Prepayment of mediation and custody study fees are often ordered by the court. A minimum deposit of \$262.50 for each party is required for a custody/placement study.

The court will consider the following factors in determining custody and physical placement:

- a. The wishes of the child's parent or parents, as shown by any stipulation between the parties, any proposed parenting plan or any legal custody or physical placement proposal submitted to the court at trial.

b. The amount and quality of time that each parent has spent with the child in the past, any necessary changes to the parents' custodial roles and any reasonable life-style changes that a parent proposes to make to be able to spend time with the child in the future.

c. The age of the child and the child's developmental and educational needs at different ages.

d. The need for regularly occurring and meaningful periods of physical placement to provide predictability and stability for the child.

e. The cooperation and communication between the parties and whether either party unreasonably refuses to cooperate or communicate with the other party.

f. Whether each party can support the other party's relationship with the child including encouraging and facilitating frequent and continuing contact with the child, or whether one party is likely to unreasonably interfere with the child's continuing relationship with the other party.

g. The reports of appropriate professionals if admitted into evidence.

Wisconsin law provides that the court may not prefer one parent over another on the basis of sex. The court shall consider all factors in the best interests of the child.

Custody and physical placement disputes may be lengthy and bitter and can be very costly, not only in terms of money, but in terms of its adverse affect on the emotional well-being of the child and the parents. Even if one parent is awarded custody, the other parent will receive physical placement rights, which can be extensive. No one wins a custody battle. One only loses less than the other. A thoughtfully stipulated arrangement determined by the parties themselves, after considering the needs of the child and the parents, often results in a more successful relationship between parents and child.

Any person who has concerns about custody and physical placement may apply to the Family Court Commissioner's office for assistance and information at any time.

E. GUIDELINES TO ASSIST BOTH PARENTS IN DEALING WITH THEIR CHILDREN

TO: Father and Mother,

If parents live separately, neither is less of a parent unless they choose to be. Admittedly, each parenting role may be difficult but if the motivating factor is the child's best interests, you each have a good chance to be effective parents.

A child loves both parents. A child continues to learn from or imitate behaviors of both parents. Your behavior will affect your child's growth as well as your relationship with your child in later years.

You may find it difficult, at times, to deal with your child as a single parent. If you apply the following guidelines, prepared by the staff of the Family Court Counseling Service, you will find the matter made easier.

a. BOTH PARENTS SHOULD:

- 1) Teach the child to respect the other parent and allow him/her to love both parents.
- 2) Protect the child from displays of anger, hurt, mistrust and all other bitterness toward the other parent. This includes interrogation of the child regarding the activities of the other parent as well as demeaning the other parent in front of the child.
- 3) Communicate with each other regarding visitation/ periods of physical placement and the child in general. Do not arrange visitation through the child. Not only does this imply lack of respect for the other parent, but depending on your child to arrange such plans places unnecessary responsibilities on him/her and will cause many problems.
- 4) Treat the child normally by not making promises of lavish gifts, exciting outings, etc., to outdo the other parent.
- 5) If plans between parents conflict, decide which activity is most beneficial to your child, allowing him/her to attend that activity. This is not a win-lose situation as far as you or the other parent is concerned.
- 6) Never encourage your child to take sides between parents.

b. THE PARENT WITH PERIODS OF PHYSICAL PLACEMENT IS RESPONSIBLE FOR:

- 1) Seeing the child frequently and consistently. Avoid making your child feel unwanted or rejected by making last minute cancellations or by not seeing them on a regular basis. Notify the other parent in advance if you cannot see the child to avoid disappointing

the child.

- 2) Being on time to receive or deliver the child. This will not only benefit the other parent, but the child as well who will be excited to see you, ready and waiting.
- 3) Spending time with the child. The child is an individual. Give your child individual time during these periods.
- 4) Following through with any promises made.
- 5) Being with the child at reasonable, mutually agreed upon times.
- 6) Abstaining from the use of alcohol before or during times with the child.

c. THE PARENT WITH WHOM THE CHILD LIVES IS RESPONSIBLE FOR:

- 1) Preparing the child for time with the other parent, both physically and mentally. Don't deprive him/her of the anticipation. Let the child know they are not hurting your feelings by enjoying these times. Have the child ready on time to accommodate the other parent.
- 2) Making the child available for periods of physical placement when possible, instead of continually making excuses, or trying to bribe the child with more exciting activities.
- 3) Keeping the other parent informed as to the health, schooling and special events involving the child.
- 4) Informing the other parent as soon as possible should the child be unable to visit due to illness, unexpected events etc.

Always consider what would most benefit your child. However, you are the adults. Do not allow the child to play upon the guilt or anger you may carry. The child may be capable of using these circumstances to his/her own advantage. Only you, communicating with the other parent and not jumping to conclusions, can avert this situation.

d. PARENT EDUCATION PROGRAM

In any paternity action the court or Family Court Commissioner may order both parents to attend a Parent Education Program, pursuant to Wisconsin Statute 767.401.

The program is educational in nature and is designed to assist parents to learn to communicate effectively with each other for the benefit of the child.

CHILD'S BILL OF RIGHTS
1. To be told that my mother and father still love me.
2. To be told that the separation is not my fault, and not to be told about the adult problems that caused it.
3. To be considered as a human being, and not as a piece of property to be fought for, bargained over or threatened.
4. To have decisions about me based on what is in my best interest, not on past wrongs, hurt feelings or my parents' needs.
5. To be allowed to love both my father and my mother without being forced to choose or feel guilty.
6. To know both my father and my mother through regular and frequent involvement in my life.
7. To have the financial support of both my father and my mother.
8. To be spared having to listen to bad, hurtful comments about either of my parents which have no useful purpose.
9. To be a child, and not to be asked to tell a lie or act as a spy or messenger.
10. To be allowed to have affection for the other people who may come into my life without being forced to choose or feel guilty.

A consortium of agencies that includes Catholic Social Services, Family Service of Milwaukee, Lutheran Social Services and the new Concepts Self-Development Center offer a program to help divorcing

parents. This course includes the above "A Child's Bill of Rights". Reprinted from the Milwaukee Journal, March 12, 1995.

F. GUARDIAN AD LITEM

The Guardian ad litem is an attorney appointed by the Family Court to represent the best interests of your child. During legal conflicts involving families and in paternity actions, the interests of children are separated from those of the parents. For example, if custody is contested, the court relies on the Guardian ad litem to investigate, evaluate and put in evidence at a custody trial from the perspective of the child. Similarly, a Guardian ad litem represents the child's best interests if visitation or paternity is in dispute. A guardian ad litem is appointed to represent minor mothers or alleged fathers unless she/he is already represented by an attorney.

The court expects the Guardian ad litem to recommend what he or she believes is in the best interests of the child. This does not mean that the Guardian ad litem merely states what the child says he or she wants. To make this important recommendation, the Guardian ad litem will need to gather information from all the parties, including the child, and from other outside sources such as family, friends, schools, counselors and doctors. The investigation centers on the child to determine his or her unique needs and preferences. The Guardian ad litem will work independently from the attorneys representing the parents or other parties and the family court social worker.

The Guardian ad litem's investigation will almost always include an interview with the parents or the person caring for the child. The parents are required to cooperate. Typically, each parent will be interviewed separately at the Guardian ad litem's office.

Most cases will also require a conversation between the child and the Guardian ad litem in private, out of the hearing of the parents or other adults in the child's life. The Guardian ad litem may choose to visit with the child at the office, home or any other setting in which the child feels comfortable and confident. The goal is to develop a sense of trust between the child and the Guardian ad litem, and this may require more than one visit with the child.

As a representative of the best interests of the child, the Guardian ad litem considers all facts in the best interest of the child. The Guardian ad litem does not prefer one parent over the other on the basis of sex or race. When considering the facts, a Guardian ad litem pays attention to the following factors:

- a. What the parents' feelings are as to custody;
- b. The child's wishes and feelings;
- c. The child's relationships with parents, brothers and sisters and

anyone else who may affect the child.

- d. The child's home, school, religion and community.
- e. The health of the parents, child and anyone else who may affect the child.
- f. Whether the child will have to be in day-care and what kind of child care facilities are available.
- g. Whether one parent is likely to interfere with the child's relationship with the other parent.
- h. Evidence of significant problems of alcohol or drug abuse by either parent.
- i. Evidence of domestic abuse or child abuse.
- j. Any other factors that may be important.

After all this information is gathered, the Guardian ad litem will make a recommendation to the court and the parties as to what he or she believes will be in the best interests of the child regarding the issues in dispute. If a trial is necessary, the Guardian ad litem will appear for the child, questioning witnesses and introducing evidence on behalf of the child. Helping restore stability, security and harmony in the child's life is an important goal of the Guardian ad litem.

Payment of the Guardian ad litem's fees will be made by either or both of the parents. It is important that the parties understand their responsibility to pay the Guardian ad Litem fees. Unless the court orders otherwise, each party is responsible for one-half of the total cost of the guardian ad litem. The fee for guardian ad litem work is \$50.00 per hour for court time, \$40.00 per hour for office time and \$25.00 per hour for travel time. Upon receipt of a notice of appointment of a guardian ad litem, each party is required to make a deposit of \$125.00 towards these fees. If a party's share of the final fee assessed in the case is less than the amount deposited, the difference is refunded to the party by the Clerk of Court of Racine County.

G. CHILD SUPPORT

Child support in Wisconsin is based upon the percentage of income standard. The percentage of income standard states that the court or court commissioner orders child support for children in the same household in the following amounts:

- 17% of non-custodial parent's gross income for one child
- 25% of non-custodial parent's gross income for two children
- 29% of non-custodial parent's gross income for three children
- 31% of non-custodial parent's gross income for four children
- 34% of non-custodial parent's gross income for five children or more

As of August 31, 2001, child support must be expressed as a dollar amount, based upon the appropriate percentage, unless the parties stipulate to expressing the amount as a percentage of the payer's income and the following requirements are satisfied:

1. The State is not a real party in interest in the action;
2. The payer is not subject to any other order, in any other action, for the payment of child support, family support or maintenance, and;
3. All payment obligations included in the order, other than the annual receiving and disbursing fee, are expressed as a percentage of the payer's income.

In every case where support is ordered, the court must require the parties to annually exchange financial information. A party who fails to furnish the information as required by the court may be proceeded against for contempt. In addition, costs, including reasonable attorney fees may be awarded. (See, Enforcement of Child Support, Page 24).

Child support may be determined by a modification of the percentage standards in certain special circumstances such as:

Serial Family: where a payor has children living in more than one household

Shared Placement: where both parents have the children more than 25% of the time

Split Placement: parents who have 2 or more children and each parent has placement of one or more but not all of the children

Low Income Payers: a parent whose income or earning capacity is below approximately 125% of the federal poverty rate

High Income Payers: a parent whose annual income exceeds \$84,000.

The discretionary guidelines for determining support in these special circumstances which the court may consider can be found in DWD 40.04 which is available on the DWD website at <http://www.dwd.state.wi.us/bcs/>

If a party requests it, the court may modify the amount of support under the percentage of income standard if the court finds by the greater weight of the credible evidence that the use of the percentage is unfair to the child or to any of the parties using the following factors:

1. Financial resource of either party or the child;
2. Maintenance received by either party;
3. The need of either party to support himself or herself on a level equal to at least the federal poverty level;
4. The obligation either party has, if any, to support another person;
5. The standard of living the child would enjoy if both parents live together;

6. The desirability that the parent with primary placement live at home as a full-time parent;
7. Cost of day-care or value of services of custodial parent;
8. The allocation of physical placement in any joint custody arrangement;
9. Extraordinary travel expenses incurred to visit the child;
10. The child's physical, mental, emotional health care needs including the costs of insurance and any uninsured health care of the child;
11. The child's educational needs;
12. The tax consequences to either party;
13. The best interest of the child;
14. 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;
15. Any other factors which the court considers relevant.

If the court determines, using one or more of the above factors, that the application of the percentage of income standard is unfair, the court must state in writing or on the record:

- a. the amount of support that would be required by using the percentage standard; and,
- b. the amount by which the court's order deviates from that amount, its reasons for finding that the use of the percentage standard is unfair to the child or to the party;
- c. the reasons for the amount of the modification and the basis of the modification.

An order for joint custody does not affect the amount of child support ordered.

H. SUPPORT PAYMENTS THROUGH THE WISCONSIN SUPPORT COLLECTIONS TRUST FUND

PAYING YOUR SUPPORT OBLIGATION

Wisconsin law requires that payments for child support be paid by income withholding. All payments of child support are to be paid to the Wisconsin Support Collections Trust Fund. The address for the Wisconsin Support Collections Trust Fund (WSCTF) is:

Wisconsin Support Collections Trust Fund
Box 74200
Milwaukee, WI 53274-0200

The payer should always include the case number and his or her Social Security or Pin Number on any check or money order to ensure proper credit for the payment.

A payer should never pay the support directly to the payee as those payments may be considered gifts. While the law does provide for the granting of credit for direct payments in certain limited circumstances, an evidentiary hearing may be required before a circuit court judge.

Child support payments are due on the first date of commencement on your order. Generally child support payments are for the week following the date the payment is due. Simple interest accrues at the rate of 1.0% per month on any amount in arrears that is equal to or greater than the amount of child support due in one month.

If you are ordered to pay support, it is your responsibility to make the required payments to the Wisconsin Support Collections Trust Fund until the money is withheld from your earnings or other source of income. Failure of the Child Support Department to implement a wage assignment is not an excuse for you to not pay your support.

Each year the payer must pay a receiving and disbursement fee to the Wisconsin Support Collections Trust Fund. As of January 1, 2002, the annual receipt and disbursement fee is \$35.00 per year. This fee must be paid at the time of and in addition to the first payment of support due each year. If the \$35.00 fee is not paid in a given year, the Racine County Child Support Department, on behalf of the State, may request that the payer be found in contempt of court or may request that the fee be paid by income assignment.

IF YOU ARE TO RECEIVE SUPPORT

Wisconsin law requires that all payments of child support be made through the Wisconsin Support Collections Trust Fund. Upon receipt of the payment the WSCTF will issue a separate check made payable to you. The check is generally issued within two business days after receipt from the employer or other source of periodic income. You must make sure the Racine County Child Support Department has your current address at all times so the payments will promptly be paid.

If you have questions regarding your child support case, you can call the KIDS Information Line, an automated voice response system by dialing 1-800-991-5530. You must have your KIDS personal identification number (PIN number) handy, or your Social Security Number and Date of Birth. If you need further information, you may call or write the Racine County Child Support Department. Written inquiries should include your case number and

the name of the payor on all correspondence. The address of the Racine County Child Support Department is:

Racine County Child Support Department
818 Sixth Street, Suite 2
Racine, WI 53403-1176
(866) 577-5511
Callers Outside Wisconsin (414)278-5160
Fax: (262)636-3156

I. INCOME ASSIGNMENTS

Each order for child support constitutes an assignment of income. The assignment of income is accomplished by an order of withholding which will be sent to the payer's employer, or other source of income, by the Racine County Child Support Department. Orders will generally be expressed in monthly amounts but may be paid to correspond with the payer's pay period.

Once the support payment is withheld from the paycheck of the payer, the employer will send it to the Wisconsin Support Collections Trust Fund. The employer is entitled to retain up to \$3 for this service each time. This fee is in addition to the amount of the support.

An employer is prohibited by law from disciplining an employee because of the existence of an income assignment.

Whenever support is ordered, both parties are required to notify the Racine County Child Support Department of any change of address within ten business days of any change. In addition, the person ordered to pay the support is under a continuing order to notify the Child Support Department and the payee, within 10 business days, of any change of employer and of any substantial change in the amount of his or her income, including receipt of bonus compensation, such that his or her ability to pay support is affected. Notification of any change in substantial change in the amount of the payer's income will not result in a change of the order unless a revision of the order is sought pursuant to Wis. Stat. sec. 767.59.

Wisconsin law provides that if support is delinquent the court may increase withholding by up to 50% of the current order to satisfy the delinquency. The payor has ten days from receiving notice the withholding will be increased in which to request a hearing before the Family Court Commissioner's Office to challenge the increase.

J. TAX EXEMPTION

Federal (rather than State) tax law provides that the parent with primary physical placement of a child may claim that child as an exemption on his or her income tax return, unless otherwise specified by a court order. Given the present value of an exemption and the child tax credit allocation of the tax

exemption often enters into settlement negotiations. The exemption may be more valuable to one parent than the other after considering: the income of the parties; the ability of a party to claim head of household status; qualification for the earned income credit; and, other factors/benefits provided for in the

Taxpayer Relief Act of 1997. Effective in 1998, the parent with the tax exemption may also claim the child as a credit on his or her income tax return.

Under Wisconsin law, the court is required to make a decision on tax exemptions if the parties have not decided between themselves which parent should take the exemption. The court shall make the decision in accordance with state and federal law, and must also take into account whether the medical insurance plan of either parent requires that the parent with medical coverage be awarded the exemption by the order of support.

If, as the parent without primary placement, you are awarded an exemption, either by the court or by stipulation, you will need to attach to your income tax return a copy of the court order and an original Form 8332 (available at the IRS office only) signed by the parent with primary placement.

For further information, you should consult IRS Publication 505 or an attorney.

III. POSTJUDGMENT PROCEDURES AND ISSUES

A. MODIFIABLE ISSUES IN GENERAL

After the judgment is entered, the court can always modify the provisions of the judgment concerning the child related issues of custody, placement and child support during the minority of the child. On custody and placement issues, children are no longer subject to the jurisdiction of the court when the children are 18 years of age. Child support may be modified until the child is 18 years of age or graduates high school, but in no instance past age 19.

B. MODIFICATION OF CHILD SUPPORT

Orders relating to child support may later be changed or modified upon request of either party after the entry of the original judgment, either by written agreement of the parties or during the court hearing. The modification generally requested is for a decrease or increase in the existing order. The court will not change a child support order unless the party requesting such a change presents proof of a substantial change in circumstances. The burden of proving that a modification is appropriate rests with the party seeking to alter the provision of the existing judgment.

PROCEDURE

If the parties and/or their attorney can reach an agreement to modify the amount of child support, the written agreement can be made part of a stipulation and order to be filed with the court which states the terms of the

agreement. If the parties reach an agreement, the stipulation, which must include income information for both parties, and order must be filed with the court with approval by the Racine Child Support Department if Public Aid is or has been provided to the children. An agreement to modify the child support without an order is not enforceable and is of no effect. The order

must accompany any agreement. There may be a filing fee for filing a Stipulation and Order. The stipulation must be in accordance with Wisconsin Law. It is not sufficient merely that both parties agree.

If the parties and/or their attorney cannot reach a signed, written agreement to modify the support out of court, the party seeking the modification must file a motion or order to show cause with the court. The filing fee, which may be adjusted annually by the Clerk of Court, must be paid before the motion or order to show cause is filed. If the moving party is indigent, the filing fee may be waived. The documents necessary for waiver of the filing fee are available from the Clerk of Court's office on the 8th floor of the courthouse. You may retain an attorney to represent you in such an action. If you do so, the attorney will prepare and file the appropriate documents for you. If you are unable to afford an attorney, you may be eligible for representation through Legal Action of Wisconsin. (See section V-B at page 29).

Once the action has been filed, it is the responsibility of the party requesting modification to serve the documents on the other party. A party may not serve the paperwork themselves. You may contact the sheriff's department in the county where the other party resides or a private process server in that area to serve the motion or order to show cause.

At the time the action is filed, the family court clerk will give you a court date, which must be inserted in the motion or order to show cause. On the hearing date, you will be appearing before a Family Court Commissioner who has been authorized by the family court judge to hear and make final decisions on child support issues. Both parties should bring as much income information as possible to the hearing including their most recent eight weeks of pay stubs, most recent income tax returns, and business records. You should also bring proof the other party was served. This is usually in the form of an affidavit.

After reviewing the information submitted by the parties, the commissioner will announce a decision. The commissioner will generally ask the prevailing party to prepare an order for the commissioner to sign which puts in writing the commissioner's decision. The order is a necessary step in the process of modifying the order on the court's records, so it must not be overlooked.

If a party disagrees with the commissioner's decision, either party may appeal the decision to the Circuit Court Judge. This is referred to as a de novo hearing; a request for a de novo hearing must be filed within 15 days of the commissioner's decision to be considered timely. You will need to file new paperwork with the court in order to do this. The Form FA-4130 can be

obtained at www.wicourts.gov. Your attorney can assist you with this, or you can contact the clerk of family court for further information on an appeal.

C. MODIFICATION OF CUSTODY

There are two different standards of proof required to modify a custody judgment or physical placement order. Generally it is more difficult to modify a custody order within the first two years after the initial order. After two years, it is less difficult to modify an order of custody or physical placement.

Within two years, it must be shown that the current legal custody and/or physical placement arrangement is physically or emotionally harmful to the child, and that modification of legal custody or physical placement or both is necessary.

After two years, it must be shown that the modification of legal custody or physical placement is in the best interest of the child, and that there is a substantial change in circumstances since the date of the last order. Even after two years, it is presumed that the current legal custody and physical placement arrangement is in the best interest of the child.

The above standards for modification are the same regardless of whether the parents have sole legal custody or joint legal custody.

If parties have substantially equal periods of physical placement, the court at any time may modify the arrangement if circumstances make it impractical.

Motions to modify legal custody or physical placement in which the parents disagree are referred to mediation, similar to initial determinations of those issues. (See Mediation PART II-D) The fee for mediation is \$260. If mediation is not appropriate or successful, the court will order a custody or physical placement study. The fee for a custody study is \$525. Also, if mediation does not produce an agreement the court will appoint a Guardian ad litem. (See PART II-F.)

D. MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT

The court will hear a motion to modify periods of physical placement using the same procedure as to modify custody.

After the initial two-year period, the court may modify periods of physical placement. If the court finds that the modification would substantially alter the period of time a parent may spend with a child, and the modification is in the best interest of the child and there has been a substantial

change in circumstances since the last order.

E. ENFORCEMENT OF CHILD SUPPORT PAYMENTS

If the person who has been ordered to make child support, family support or maintenance payments fails to do so, then the person who is

entitled to receive the payments can do the following:

- 1) Contact his or her attorney to bring appropriate action in court to enforce the order, including income or wage assignment and contempt.
- 2) Contact the Racine Child Support Department located at 818 6th Street, Suite 2, Racine, WI 53403-1176. The Racine County Child Support Department is the designated local child support enforcement IV-D authority under the Federal Child Support Program. The Department serves the public interest, not you individually, by enforcing child support obligations. It does not represent you, but rather the State of Wisconsin.

If W-2 benefits are or have been provided to you or your dependents, services will be provided without an application.

However, you may want to notify the Department of your current situation or circumstances. If W-2 benefits have never been provided, you must file a completed Application for Services with the Child Support Department. To discontinue services, you must notify the department in writing and complete a form provided by child support.

Services that will be provided include location of the absent parent, enforcement and modification of a current order for child support, enforcement of an order to provide health insurance, and tax-intercept. Most services will be provided without any fee. However, fees may be charged for some services. You will be notified if a fee is necessary. The Child Support Department determines which services will be provided on each case. For further information, contact the Child Support Department.

- 3) Failure to pay child support under certain circumstances is a crime. The Racine County Child Support Department may refer cases to the District Attorney's Office for criminal prosecution.

Any order entered by the Court for child support, maintenance or family support constitutes an assignment of income as will be sufficient to meet the payments required of the payor under the order, including any arrearages that may be due.

A person who fails to pay support can be ordered to appear before the Family Court Commissioner to show cause why he or she should not be held in contempt of court for failing to make the payments. Contempt of court is when one intentionally violates the court's order. If a person is found in contempt, the circuit court judge has the power to order that person to pay a

certain amount of money for back support or go to jail. Only a circuit court Judge may find someone in contempt of court.

For more information about these enforcement techniques and others, you may contact the Racine County Child Support Department for assistance.

F. ENFORCEMENT OF CUSTODY AND PHYSICAL PLACEMENT RIGHTS

If any parent with custody or physical placement rights believes those rights are being interfered with, he or she may apply for walk-in mediation at the Family Court Commissioner's Office. See Mediation/Study Process, page 7. Upon application, the Family Court Commissioner will refer the party or parties to a mediator. If the mediator believes mediation is appropriate, then the mediation process will proceed until settlement, or until mediation terminates. If an agreement is reached in mediation, the parties must state the specific terms of the agreement in writing to be filed with the court. This agreement must be signed by the parties and provide for the approval of the Family Court Commissioner and the signature of the judge.

A parent who has been awarded periods of physical placement with a child may also file a petition for remedial sanctions or an order to show cause for contempt if: 1) the parent has had one or more periods of physical placement denied or substantially interfered with by the other parent, or 2) the parent has incurred a financial loss or expenses as a result of the other parent's intentional failure to exercise one or more periods of physical placement under an order allocating specific times for the exercise of periods of physical placement.

Personal service of the petition or order to show cause is required. Service must be accomplished by someone other than the person bringing the petition or order to show cause.

If, after a hearing, the court finds that a parent did intentionally and unreasonably interfere with placement, a court may enter orders ranging from giving the parent make-up time to granting an injunction to ensure strict compliance with the placement schedule, depending upon the facts and circumstances of the case.

Periods of physical placement with a child may not be denied by a parent for failure of the other parent to pay child support or meet any other financial obligation. Similarly, violation of physical placement rights by a parent with does not constitute a reason for failure to meet child support or other financial obligations.

Wisconsin law provides a child is entitled to periods of placement with both parents unless after a hearing the court finds placement with a parent would endanger the child's physical, mental or emotional health.

V. RESOURCES AVAILABLE TO ASSIST PARTIES

A. FAMILY COURT COUNSELING SERVICES

Located in the Family Court Commissioner's Office is the Family Court Counseling Service. This agency provides mediation services and physical placement/custody studies to parents who are having difficulty with legal custody and physical placement issues. The fee for court ordered mediation services are \$260. The fee for custody study or physical placement study is \$525.

The mediation service is also offered to parents who are having difficulty but do not have a matter pending before the court. There is a \$50.00 non-refundable fee for this service. A form is available at our office for this request.

B. COMMUNITY RESOURCES

- 1) Family Services of Racine**
420 Seventh Street
Racine, Wisconsin 53403
Phone 634-2391

This non-profit agency offers individual and family counseling.

Fees: Based on ability to pay and insurance billed when available.

- | | |
|---|--|
| 2) Catholic Charities
(formerly, Catholic Social Services)
2711 19th Street
Racine, Wisconsin 53403
Phone: (262)637-8888 | Catholic Charities
(formerly, Catholic Social Services)
209 N. Main Street
Burlington, Wisconsin 53105
Phone: (262)767-2900 |
|---|--|

Project FACE: Parent Education Program

A program for divorcing parents in Racine County provided by Catholic Social Services.

Catholic Charities is a fully certified and accredited agency for parent/child, and other personal counseling. Catholic Charities serves both Catholics and non-Catholics.

Counseling can take several forms (one-to-one, joint couple, or joint

parent with/without children) and be effective sometimes with a one time only consultation meeting. The typical counseling episode lasts a brief period of time, from one to three months (4-12 weekly sessions), depending on the number and severity of problems.

Most Catholic Charities counselors hold Master's Degrees in such fields as clinical social work or psychology and many have developed special skills through advanced training programs in family/marital therapy. There is a certified alcohol and drug abuse counselor on staff as well as a clinical psychologist.

Appointments are made by contacting the receptionist at 637-8888 Racine. Normal hours are 8:30 A.M. - 5:00 p.m. evenings and Saturdays by appointment when available.

Insurance often covers the cost of counseling. Client fees are based on the individual's ability to pay and range from \$5 to \$70. Medical Assistance (Title XIX) is accepted.

3) Lutheran Social Services
2711 19th Street
Racine, Wisconsin 53403
Phone: 637-3886

Lutheran Social Services
301 Milwaukee Ave.
Burlington, Wisconsin 53105
Phone: 763-5655

Lutheran Social Services is a non-profit agency which offers the following services to persons involved in family court matters:

- a. Individual counseling and counseling for the single parent.
- b. Specialized counseling programs for victims and perpetrators of sexual abuse.
- c. Drug and alcohol assessment and counseling are also available on a limited basis.

4) Children's Service Society of Wisconsin
1220 Mound Avenue
Racine, Wisconsin 53404
Phone 633-3591

A non-profit agency, Children's Service Society offers services to children and their families who often have difficulties they cannot resolve themselves.

Children's Service Society of Wisconsin provides child and family counseling to assist families in resolving interpersonal, developmental or adjustment problems. We also help parents develop parenting skills through individual counseling and group services through Project FACE.

Fees are based on ability to pay. Insurance and Medical Assistance can also be used to cover services.

5) Project FACE - Contact Family Service at 634-2391

Project FACE is a cooperative effort of Catholic Social Services, Children's Service Society of Wisconsin, Family Service of Racine and Lutheran Social Services.

Project FACE offers groups, which are structured for specific topics.

6) Legal Action of Wisconsin, Inc.

Racine Office: 521 6th Street
Racine, WI 53403
635-8836 or 1-800-242-5840

Kenosha Office: 508 56th Street
Kenosha, WI 53140
632-2116 or 1-800-242-5840

This office handles legal problems for low-income people. Call for an appointment.

7) Children Upfront

403 Main Street
Racine, WI 53403
631-7744

This program offers a variety of services including fatherhood development, motherhood development, peer support groups and employment services.

8) HELPFUL TELEPHONE NUMBERS:

- a. Women's Resource Center: Racine 633-3233
Burlington 763-8600
- b. Family Court Commissioners Office 636-3181
- c. Family Court Counseling Services 636-3162 or 636-3181
- d. Racine County Human Services Dept., 1717 Taylor Avenue,
Racine, WI 53403
 - (1) Information and Referral 638-6321
 - (2) 24-Hr. Crisis Line 638-6321
 - (3) Burlington Office 767-2900 or 1-800-794-7057
 - (4) Fiscal Information 638-6694
- d. Racine County Child Support Department (866)577-5511

C. INTERNET RESOURCES - Sites on Single Parenting

1. <http://www.singlemothers.org>
2. <http://www.parentingtoolbox.com>

INTRODUCTION

The purpose of this booklet is to provide persons who are involved in a paternity action with information concerning paternity establishment and other related issues such as custody, placement and child support.

The term "paternity" means fatherhood. "Paternity establishment" means identifying and legally deciding who is the father of a child.

Paternity cases present many different factual scenarios to the court. In some cases, the parents have lived together as an intact family before separating and in other cases, the parents have no relationship at all. Regardless of the scenario, every child has a right to both a mother and a father. Every child is entitled to the financial and moral support of both parents to grow up happy and well adjusted.

It is important to establish paternity for a child. When paternity is established, the child is entitled to child support, medical insurance and inheritance rights. In addition, the child could be eligible for social security benefits or veteran's benefits if the father of the child passed away or became disabled. Paternity establishment also ensures that a child has access to the family medical health history.

Part I of this handbook explains how paternity can be established.

Part II of the handbook explains the major issues involved in a paternity action such as legal custody, physical placement, child support, and other related issues.

Part III of the handbook deals with post-judgment procedures, including modification and enforcement of child related issues.

Part IV of the handbook includes non-profit community resources available to those who are involved in a paternity action. The services provided through the family court counseling services are explained.

The handbook is the product of the staff of the Family Court Commissioner's Office of Racine County as well as the staff of the Family Court Counseling Service of Racine County. Members of the Racine Bar Association and Circuit Court Judges have also contributed to its content.

The handbook is for informational purposes only, and should not be construed as legal advice. If you have a specific legal question concerning your case, you should contact an attorney. You can also review the Wisconsin Statutes found in Chapter 767, which contains the law on actions affecting the family. Chapter 767 has been amended effective January 1, 2007. Please note: the section numbers will be different than in previous years. All section numbers in this booklet are correct for 2007. Copies of the Wisconsin Statutes may be purchased at the Family Court

Commissioner's Office. All public libraries in the county also have reference copies of the Wisconsin Statutes. They may also be found at www.legis.state.wi.us/statutes/stat0767.pdf.

The Family Court Commissioner's Office will attempt to update this booklet from time-to-time.

Kevin Van Kampen
Family Court Commissioner
January, 2007

FAMILY COURT COMMISSIONER STAFF

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Racine County Courthouse-Fifth Floor
730 Wisconsin Avenue - Racine, WI 53403
Telephone: (262) 636-3181 - Fax No: (262) 636-3689

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Randy Dorece	d/b/a Crown Mediation Services, L.L.C.
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