

**INSTRUCTIONS FOR A REQUEST FOR ORDERS FOLLOWING A PATERNITY
ACKNOWLEDGEMENT
ACTION UNDER § 767.805 WIS. STATS.**

This form IS INTENDED for use by a parent who wishes to start a court action concerning custody, placement or support where both parents have jointly signed and filed with the State a statement acknowledging paternity and who did not subsequently get married.

IT IS NOT TO BE USED to start an action to determine paternity in cases where there has not been an acknowledgment of paternity. It is not to be used if the paternity acknowledgment was signed before April 1, 1998. It is not to be used if there is already an open case in either Dunn County, or another county or state. It is not to be used if the parties subsequently married.

The packet includes the following forms:

1. Summons – Request for Orders Following a Paternity Acknowledgement
2. Petition for Custody, Placement and Child Support – Request for Orders Following a Paternity Acknowledgement
3. Notice of Motion & Motion for Hearing
4. Affidavit in Support of Motion for Hearing
5. Uniform Child Custody Jurisdiction Act Affidavit
6. Confidential Petition Addendum
7. Two Financial Disclosure Statements – one for each party to complete and bring to court.

When the petitioner is filing requests for orders following a paternity acknowledgment, a separate motion must be filed for each child.

After completing the above forms you will need to make **FIVE ADDITIONAL** copies of each form. The Original and the **FIVE ADDITIONAL** copies should be brought to the Clerk of Courts Office at the time of filing. The filing fee is \$194.

You may wish to have an attorney help or represent you.

The above forms need to be personally served upon the other party. This is generally done by the Sheriff's Department or local Police Department where the other party resides or by a Private Process Server. If you believe the other party will receive the paperwork willingly, you may have them sign an Admission of Service form. This form is available on the wicourts.gov website. After the other party is served or admits service, the proof of service form must be filed with the Clerk of Court 615 Stokke Parkway, Menomonie, Wisconsin 54751.

Petitioner,

**NOTICE OF MOTION & MOTION
FOR HEARING**

Address

City State Zip Code

VS.

**REQUEST FOR ORDERS FOLLOWING A
PATERNITY ACKNOWLEDGMENT**

ACTION UNDER 767.805 Wis. Stats.

Respondent.

Case Code: 40503

Address

Case Number _____

City State Zip Code

PLEASE TAKE NOTICE THAT the petitioner moves the court to order:
(Check the provisions you think apply)

- That the court determine issues of custody and placement.
- That the court address the issue of child support.
- That the court address the issue of health care expenses and insurance.
- That the court order reimbursement for birth expenses of the child and mother.

Such other and further relief as may be just equitable and necessary.

This motion will be heard at the following date and time:

BEFORE: _____

LOCATION: _____

DATE: _____

TIME: _____ a.m./p.m., or as soon as the matter may be heard.

Petitioner's Signature: _____ Date: _____

NOTICE: Both parties must bring to court a fully completed Financial Disclosure Statement.
A COPY OF THIS Notice of Motion and Motion must be served upon all other parties at least 5 business days before the date of the hearing. If service is by mail, it must be mailed at least 8 business days before the date of the hearing. See service packet for more information

Petitioner,

SUMMONS

Address

City State Zip Code

VS.

**REQUEST FOR ORDERS FOLLOWING A
PATERNITY ACKNOWLEDGMENT**

ACTION UNDER 767.805 Wis. Stats.

Respondent.

Case Code: 40503

Address

Case Number _____

City State Zip Code

TO THE PERSON NAMED ABOVE AS A RESPONDENT:

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

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

DUNN COUNTY CLERK OF COURT
615 STOKKE PARKWAY
MENOMONIE, WISCONSIN 54751

The answer must also be mailed or delivered to the petitioner at the address above within 20 days.

You may have an attorney help or represent you.

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

Wis. Stat §49.22(9) Information on percentage standard for child support

As required by Wis. Stat. §767.215(2m)(a)(2), accompanying this Summons will be a document setting forth the percentage standard for child support established by the Department of Workforce Development under §49.22(9), Stats, and listing the factors that a court may consider for modification of that standard under § 767.511(1m), Stats.

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

Wis. Stat. §948.31 Interference with custody by a parent or others.

(1)(a) In this subsection, “legal custody 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 health and family services 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 non-marital 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 legal custody has been granted by the court 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(14).
- (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(8).

(6) In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless or whether the violator is placed on probation under s. 973.09, to provide reimbursement for any reasonable expenses 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 is 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.

Wis. Stat. §767.105 Information from the office of family court commissioner.

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

You are further notified of the availability, upon request of the Court Commissioner and with or without charge, of written information on the procedures in this action and any community resources and counseling services available to assist the parties.

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

If you require services because of a disability, please call 715-232-2611

Petitioner's Signature

Date

Print or Type Name

Petitioner

First Name Middle Name Last Name

Address

City State Zip Code

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

and

Respondent

First Name Middle Name Last Name

Address

City State Zip Code

**REQUEST FOR ORDERS FOLLOWING A
PATERNITY ACKNOWLEDGMENT**

ACTION UNDER 767.805 Wis. Stats.

Case Code: 40503

Case Number _____

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

CHILD'S NAME

DOB

The parties were never married.

Upon information and belief, no other action for custody, placement and support of the child has been commenced by either of the parents or is pending in any other court or before any judge in this state or elsewhere.

Upon information and belief, the parties have not entered into any written agreement as to custody, placement and support for the child.

The petitioner requests the following relief:
(Check whichever provisions you think apply)

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

***** STOP! YOU MUST SIGN THIS DOCUMENT IN THE PRESENCE OF A NOTARY!*****

Petitioner

Dated this _____ day of _____, 20 _____

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

Notary Public

State of Wisconsin
My commission expires: _____

Petitioner,

**AFFIDAVIT IN SUPPORT OF
MOTION FOR HEARING**

Address

City State Zip Code

VS.

**REQUEST FOR ORDERS FOLLOWING A
PATERNITY ACKNOWLEDGMENT**

ACTION UNDER 767.805 Wis. Stats.

Respondent.

Case Code: 40503

Address

Case Number _____

City State Zip Code

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

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

***** STOP! YOU MUST SIGN THIS DOCUMENT IN THE PRESENCE OF A NOTARY!*****

Petitioner: _____

Date: _____

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

Notary Public

State of Wisconsin
My commission expires: _____