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General

Legal Advice

The information provided here is not a substitute for the advice and counsel of an attorney experienced in family law matters; the purpose is to provide you with general information concerning your divorce or paternity legal action. If you believe that you cannot afford the full services of an attorney, please consider at least a conference with an attorney, which is usually available for a nominal sum. Remember, appearing in court requires extensive knowledge of not only the law, but also the many court rules and procedures that govern the conduct of litigants; without the assistance of an attorney, you may not gain the full benefits of the law. Should you elect to represent yourself, referred to as pro se, you must assume the full responsibility of knowing all of the substantive and procedural law applicable to your legal matter.

When you seek an attorney, you may wish to confirm with a prospective attorney that they practice in the legal area of “family law.” You may find guidance to attorney lists in the yellow pages of your phone book, numerous on-line resources, and the Wisconsin State Bar Association Information and Attorney Referral Service at phone 800-362-9082. Many attorneys will meet with you for an initial consultation for a nominal reduced rate.

Sources of the Law

The following are the principal sources of Wisconsin Law concerning divorce and paternity legal action:

- Wisconsin Statutes, Chapter 767—access at <http://docs.legis.wisconsin.gov>
- Wisconsin Statutes, Chapter 801 – 806—access at <http://docs.legis.wisconsin.gov>
- Wisconsin Case Decisions—access at <http://wilawlibrary.gov/>
- Wisconsin Administrative Code, Chapter DCF 150—access at <http://docs.legis.wisconsin.gov>
- Wisconsin Family Law Legal Forms—access at <http://www.wicourts.gov>
- Child Support Worksheets, Tables, and Calculators—access at dcf.wi.gov/bcs/order/guidelines

All of the above legal resources are also available to you at the Adams County Law Library located in the Adams County Courthouse. Many of these resources are available through various sources on the internet.

You may also purchase a “forms package” from the Clerk of Court which will generally include most of the forms that will be required in a simple divorce action.

There may also be available legal secretarial services that will assist you in preparing “standard forms.” These service providers usually charge several hundred dollars. You can check with the Clerk of Court office to ascertain if such a service provider is available.

What to Expect in the Courtroom

What can you expect when you appear at a court hearing? The Judge will usually request each party to briefly state the issue(s) before the Court. The party initiating the hearing will present their case first—presentation of witnesses, including the party themselves, if they so elect. The other spouse will then present his or her case through the presentation of witnesses, including the party themselves, if they so elect. All evidence must be by witnesses—letters, statements, and other writings are inadmissible unless agreed by both parties. Both parties will be allowed to present a brief closing statement. Before issuing an opinion, the Judge may request of the parties the legal basis for the relief they request and may even require briefs be filed by the parties if the issue is particularly unique.

Presenting Evidence

The rules of evidence are quite complex and there are exceptions—but the following is a general guide to assist you to present in a proper manner the evidence that you want the Court to consider.

Even if you are representing yourself in your divorce or child support hearing, you are required to follow the law of evidence as required under Wisconsin law. This means that you can only present to the Court information that you want the Court to hear by following evidentiary rules. Evidentiary rules require that you must always present your information through personal witnesses. You may call yourself or any other person as a witness. You must have your witnesses personally appear at your divorce trial. Letters from teachers, employers, or others are not acceptable. If you have school reports, medical reports or any other kind of report, you must in most cases bring the author of those reports into court to testify as to the contents of the report. The Court cannot accept or consider a report unless the author of that report is in court in person.

Neither you nor any of your witnesses can testify about what some other person has said. You must bring all persons who have information you want the Court to hear and consider into court to testify in person. This may require that you will have to arrange to have several people attend your divorce trial so that they can each tell the Court in their own words what it is that you believe the Court needs to hear and consider.

MONTHLY COURT CALENDAR

Family Court Commissioner, Dennis M. McFarlin

All court hearing dates must be scheduled through the Clerk of Court: (608)339-4208

First Tuesday

9:00 a.m. to 11:30 a.m. Temporary Order Hearings

1:00 p.m. Review Draft Orders

2:00 p.m. to 4:00 p.m. Temporary Order Hearings

Second Tuesday

9:00 a.m. to 11:30 a.m. Child Support Hearings (CSA)

1:00 p.m. Review Draft Orders

2:00 p.m. to 4:00 p.m. Temporary Order Hearings

Third Tuesday

9:00 a.m. to 11:30 a.m. Temporary Order Hearings

1:00 p.m. Review Draft Orders

2:00 p.m. to 4:00 p.m. Temporary Order Hearings

Fourth Tuesday

9:00 a.m. to 11:30 a.m. Child Support Hearings (CSA)

1:00 p.m. Review Draft Orders

2:00 p.m. to 4:00 p.m. Temporary Order Hearings

Modification of Prior Judgments and Orders

The most common request for modification of prior judgments and orders arises in cases where one of the parents desire to modify either child placement or child support. You must prepare and serve on the other party a Motion to Modify either child placement or child support. There may be a charge for filing this request to modify. In the case of a request to modify periods of child placement, please be sure to review the requirements and restrictions set forth at Wis. Stats. §767.451. Child support is always reviewable.

Stipulations

If you and the other party agree on a particular change to a prior judgment or order, then you may prepare and file a stipulation; this will usually avoid your having to appear in court. However, if the change affects child support, the child support agency must approve the proposed change.

Divorce Information

Divorce Action--Basics

The standard procedure for commencing a divorce action is to file a petition for divorce. A summons must be served on your spouse. You may seek a temporary order if you wish to have the court resolve certain issues pending your final divorce trial. If matters involving children are in issue, then you may wish to seek a temporary order concerning such matters as custody, placement, and child support. If you and your spouse are in agreement with all issues involved in your divorce, then you may submit the following completed forms to the Clerk of Court and request that a final divorce date be assigned:

- Marital Property Settlement Agreement; must be approved by the Child Support Agency if minor children are involved and a child support worksheet must be attached
- Financial Disclosure by Husband (a copy of the most recent income tax return should be attached to your financial disclosure statement)
- Financial Disclosure by Wife (a copy of the most recent income tax return should be attached to your financial disclosure statement)
- Judgment of Divorce
- Certificate of Attendance at a Parenting Class by both spouses, if minor children are involved
- State of Wisconsin Vital Statistics form (obtain form from the Clerk of Court)

Maintenance or Alimony

Maintenance for the lower income earning spouse may be available if the parties have been married for at least five (5) years and there is a substantial difference in the income of the spouses. In new divorces, if maintenance is requested by either spouse, the Court will usually utilize a temporary maintenance worksheet to determine the approximate amount of maintenance to award. That worksheet appears on the next Page.

At a temporary hearing stage of a divorce, there is limited information available, the parties need immediate relief, and the time available for a hearing is usually limited, therefor, usually only the following factors are considered.

- Length of the marriage; marriages under 60 months usually warrant no maintenance. Marriages over 300 months are limited to 300 months.
- Gross income of both spouses
- Amount of child support ordered to be paid
- Amount of expenses claimed by the payee spouse

Consideration of state and federal taxes, special needs and circumstances of the parties, and other factors will be fully analyzed at the final divorce trial.

Temporary Maintenance Calculation Worksheet
(Excel Spreadsheet)

TEMPORARY MAINTENANCE EXCEL CALCULATION WORKSHEET

03 04 15

- 3 **Months of marriage at date of filing**
- 4 Minimum number of months of marriage 60
- 5 If line 3 is less than line 4, STOP -- No maintenance allowed
- 6 Maximum number of months of marriage 300
- 7 Insert the LESSER of Lines 3 and 6
- 8 Divide line 7 by 300 and enter product to 3 decimal places
- 9 **Enter husband's gross annual income**
- 10 **Enter wife's gross annual income**
- 11 **Enter child support paid by husband**
- 12 **Enter child support paid by wife**
- 13 Enter husband's gross annual income adjusted for child support paid by husband
- 14 Enter wife's gross annual income adjusted for child support paid by wife
- 15 Enter the GREATER of lines 13 and 14; this person is the **Payor**
- 16 Enter the LESSER of lines 13 and 14; this person is the **Payee**
- 18 Enter the total sum of lines 13 and 14
- 19 Enter 1/2 of the amount shown on line 18
- 20 Subtract line 16 from 19
- 21 If line 20 is zero or negative number, STOP. No maintenance is allowed.
- 23 Multiply line 20 by line 8 and enter result in Dollars
- 24 Divide line 23 by 12
- 25 Insert line 24 rounded to the nearest whole dollar amount
- 26 Enter 1/12 of line 16
- 27 Enter total sum of lines 26 and 25
- 28 **Enter reasonable expenses of Payee per month**
- 29 If line 28 is GREATER than line 27, enter line 25. This is the amount of **maintenance** paid by Payor to Payee.
- 32 If line 28 is LESS than line 27, subtract 28 from line 27
- 33 Subtract line 32 from line 25
- 34 If line 33 is zero or negative, enter zero. If line 33 is greater than zero, enter line 33. This is the amount of **maintenance** paid by Payor to Payee

Property Division

Division of property in a divorce action is generally aimed at an equal division of personal property. A sample property division worksheet appears in the forms section of this site.

Marital Property Division Worksheet

The following is a **SAMPLE** Excel designed property division worksheet.

Marital Property Division Worksheet

In re the Marriage of:

Description	Value	Husband	Wife
Real Estate			
123 Main St--marital residence	125000		125000
20 ac. Hunting land	30000	30000	
Florida time-share	4000	2000	2000
Personalty			
kitchen	1000	200	800
t.v. 52"	500	500	
t.v. 32"	200		200
household camper	3000	1000	2000
camper	4000	4000	
Vehicles			
2014 Ford	18000		18000
2010 Chev pickup	7500	7500	
Bank Accounts			
Grand Marsh--checking	600	600	
Grand Marsh--savings	1500		1500
Acuity--checking	800		800
Investments			
300 shrs ABC Company @ 20	6000	6000	
MNO Company Pension present value	110000	110000	
Total Assets	312100	161800	150300
Debts			
Ford Motor Credit	16000		16000
Visa credit card	2500	2500	
student loan balance--wife	4400		4400
Total Debts	22900	2500	20400
Net Totals	289200	159300	129900
Equalization Value for each spouse	144600		
Equalization Payment Required		14700	0
Equalization Payment Received		0	14700
Reconciliation Totals	289200	144600	144600

Marital Settlement Agreement

Most divorcing parties enter into an “agreed” divorce and the terms of their agreement is contained in a marital settlement agreement ([Form FA-4150](#) for divorces involving minor children; and [Form FA-4151](#) for divorces without minor children). The marital settlement agreement must be attached to the Judgment. If you do not have a marital settlement agreement, then you must attach to your Judgment a divorce judgment addendum that incorporates all of the information ordinarily contained in the marital settlement agreement.

If interests in real estate are being transferred, then a copy of the quit-claim deed should be attached to the marital settlement agreement. You may require the services of an attorney to prepare a quit-claim deed and Wisconsin Transfer Tax Return.

Both the marital settlement agreement and divorce judgment are legal documents and may be relied upon into the future; thus it is recommended that both documents be in a typed format.

The following matters must be covered in the marital settlement agreement:

- Maintenance
- Debts and Liabilities Division
- Personal Property Division
- Equalization of Property and Debt Division
- Division of Real Estate Interests
- Assignment of Life Insurance Interests

If minor children are involved:

- Legal Custody of Children
- Physical Placement with Children
- Child Support
- Medical and Health Care Expenses for Children
- Health Insurance for Children
- Division of Tax Exemptions for Children
- Approval by Child Support Agency

Judgment of Divorce

The judgment of divorce ([Form FA-4160](#) for divorces involving minor children; and [Form FA-4161](#) for divorces without minor children) is the document evidencing your divorce. Either a marital settlement agreement or a divorce judgment addendum incorporating the information contained in the marital settlement agreement must be attached to the judgment form.

You will note that if minor children are involved, then you must obtain the approval of the child support agency. If a guardian ad litem has been appointed in your divorce case, then that attorney must also approve the judgment form. Before the judgment can be signed by the Judge, you must check with the Clerk of Court to make sure a financial statement ([Form FA-4139](#)) from both you and your spouse is in the file.

When the judgment form is fully completed, attach the marital settlement agreement, applicable copy of real estate transfer documentation and copies of any qualified domestic relations orders and submit three (3) copies of all documentation to the Clerk of Court. Your documentation will be reviewed and if it is all in order, then the Judge will sign it and you will receive a file stamped copy in the mail. If you have failed to provide all information required, your papers will be returned to you for correction.

Drafting the Judgment of Divorce

A final divorce judgment is a legal document. The law requires that the judgment contain certain information and the Court has the authority to specify the format for information required in the judgment document. These guidelines are intended primarily for divorcing parties who have elected to draft their legal pleadings without the assistance of an attorney. The Court may not give you legal advice nor assist you in drafting your divorce judgment. These guidelines may not address all situations and you are encouraged to consult with an attorney of your choice if you have questions or require assistance in the drafting of your divorce judgment and related documents. All of the forms have detailed instructions—please be certain to read the instructions. If you do not understand what is required, be certain to seek assistance from an attorney or other qualified person.

The forms discussed in this guideline can be obtained on the internet at www.wicourts.gov. Select FORMS, then select CIRCUIT COURT, then select FAMILY-all forms. For a general discussion of the divorce process, you may view at this website, a Basic Guide to Divorce in Adams County (Form FA-4100). It is important that you read and understand all of the instructions in the Basic Guide to Divorce since you are expected to initiate all of the procedural steps and provide to the Court all of the documentation discussed therein.

Divorce Checklist

Before your divorce will be final, you must make certain the following is completed and filed (three copies of the Judgment and Marital Settlement Agreement) with the Clerk of Court:

- Judgment ([Forms FA-4160](#) or [FA-4161](#))
- Marital Settlement Agreement ([Forms FA-4150](#) or [FA-4151](#))
- Financial Statement ([Form FA-4139](#))
- Copy of quit-claim deed and transfer tax return receipt, if required
- Copy of qualified domestic relations order, if applicable
- Approval of both marital settlement agreement and judgment by the Child Support Agency, if minor children involved
- Certificate of Divorce (Wisconsin Vital Statistics Information Form)

Pre-Trial Conference Uncontested Divorce Checklist
(Marital Property Settlement (Stipulation) Required)

Pre-Trial Conference Date: _____, 20__

Case No: _____ FA _____

Case Title: In re Marriage of _____

Recommendation by Family Court Commissioner

Documentation in this case appears complete and all issues appear resolved in a reasonable manner; the Clerk of Court is authorized to assign a hearing date for the stipulated divorce.

Documentation and/or issues raised at the pre-trial conference do not appear to meet the criteria of a stipulated divorce; the Clerk of Court is advised to consider placing this matter on the Judge's contested trial calendar or otherwise refer to Judge.

The following must be completed and presented to the Family Court Commissioner at the Pre-Trial Conference before a divorce hearing date will be assigned:

[If box is checked, item is part of file, deemed by FCC as substantially complied with, or not applicable]

Form FA 4160 or 4161 **Judgment of Divorce** (Original plus 3 copies) Forms may be accessed at: wicourts.gov → forms → circuit court → family → all family forms.

Form FA 4150 or 4151 **Marital Property Settlement Agreement** (Stipulation) (Completely filled; if an item does not apply, indicate "n/a" or similar notation should be inserted. (Original plus 3 copies) Forms may be accessed at: wicourts.gov → forms → circuit court → family → all family forms.

If minor child(ren) exist Child Support Agency must sign off on stipulation (See Child Support Agency)

If minor child(ren) exist a copy of the standard **child support calculation worksheet** or table must be attached and made a part of the Marital Property Settlement.

These may be obtained at the following: “//dcf.wi.gov/bcs/guidelines_tools.htm” (tables and worksheets) or at: www.alllaw.com/calculators/childsupport/wisconsin (standard child support calculator)

Parenting Education Seminar completed:

Father

Mother

Form FA 4139 **Financial Statement** (Husband) [A joint statement is acceptable]
Form may be accessed at: wicourts.gov → forms → circuit court → family → all family forms.

If applicable, the following information must be presented at the Pre-Trial Conference:

- Copy of most recent federal and state income tax return
- Copy of most recent statement from retirement plan administrator as to value of retirement account, IRA, or other retirement asset
- Copy of most recent real estate tax statement showing assessed valuation

Form FA 4139 **Financial Statement** (Wife) [A joint statement is acceptable] Form may be accessed at: wicourts.gov → forms → circuit court → family → all family forms.

If applicable, the following information must be presented at the Pre-Trial Conference:

- Copy of most recent federal and state income tax return
- Copy of most recent statement from retirement plan administrator as to value of retirement account, IRA, or other retirement asset
- Copy of most recent real estate tax statement showing assessed valuation

Evidence that at least one party is a resident of Adams County

Evidence that jurisdiction over respondent is in file—such as service affidavit, respondent having signed stipulation, or response by respondent

Form GF 175 Military Affidavit regarding respondent, unless clear s/he is not in military, such as an appearance on file or signature on the Marital Property Settlement

Wisconsin **Vital Statistics** form information—see clerk for information required

Family Court Commissioner Comments based on pre-trial conference:

[If box is checked, constitutes FCC comment; if not checked, then disregard]

- Waiver of maintenance appears to be reasonable
 - Waiver of maintenance does not appear on its face to be reasonable
 - Maintenance factors cited at Wis. Stats. §767.56 discussed with parties

- Child Support appears to be pursuant to guidelines
 - Child Support does not appear to conform to guidelines—further inquiry recommended

- Property division appears to be reasonable
 - Property division does not appear to be reasonable—further inquiry recommended

- Additional information or forms required:

- | | |
|--|--|
| <input type="checkbox"/> Judgment of Divorce | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Marital Property Settlement Agreement | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Financial Statement—Husband | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Financial Statement—Wife | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Child Support Calculation Worksheet | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Vital Statistics Form | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Parenting Seminar attended Father | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Parenting Seminar attended Mother | <input type="checkbox"/> Complied with |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Complied with |

- Other Comments:

Child Custody and Placement

Issues Involving Children

- Will both parents share **custody**—custody means participating in the major decisions regarding the child’s life, to wit, elective health care, choice of religion, and choice of education for the child. Joint legal custody is the term used to denote shared custody.
- **Periods of Physical Placement**—which parent will care for the child during what time periods.
- **Child support** must be determined pursuant to the Wisconsin Child Support Guidelines. Child support is usually determined based on the payor’s gross income. For example, if you work 40 hours per week and earn \$20.00 per hour, then your income on a monthly basis is \$3,467. Child support for one child is calculated at 17% or \$589; for two children is calculated at 25% or \$866; or for three children is calculated at 29% or \$1,005.
- Which parent will insure the child for **health care** needs. If one parent covers the child with health insurance, then that parent is entitled to reimbursement by the other parent for a portion of the health insurance premium. If this situation applies to you, then you should contact your employer’s human resources office and obtain in writing a statement of what the insurance premium is for a single insured as well as what the insurance premium is for a family plan.
- **Cooperative Parenting Education.** This is a service provided by the University of Wisconsin Extension Education Department providing information for each parent on how they can cooperate in providing a healthy environment for their child(ren). Attendance at this single session is usually required.
- **Mediation Services.** This service is available through this office. The cost is \$100.00 per person. Either party may request said services through application to this office. If both parties are in agreement, you can also seek mediation services through private family counseling services.

STANDARD PLACEMENT SCHEDULE

(Schedule Number One)

(Schedule of Secondary Periods of Physical Placement)

(<92 days)

Schedule of Secondary Periods of Physical Placement with

- Mother
 Father

Regular Weekend Placment

The parent awarded Secondary Periods of Physical Placement shall be granted the first, third, and fifth weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday.

Regular Electronic Communication

The parent awarded Secondary Periods of Physical Placement shall be granted telephonic communication with the minor child(ren) every Wednesday evening from 7:00 to 7:15 p.m. Said parent shall initiate and pay for said communication.

If both parents have computer access, then said parent shall also have reasonable computerized communications with the minor child(ren) not to exceed one communication in any single day.

Holiday Placement

Holiday	From	To	Even Years	Odd Years
Spring School Break (Easter)	6:00 p.m. on last school day prior to Easter Sunday	6:00 p.m. Easter Sunday	mother	father
Memorial Day Weekend	6:00 p.m. Friday	6:00 p.m. Monday	father	mother
Thanksgiving School Break	6:00 p.m. Wednesday before Thanksgiving	6:00 p.m. on Sunday after Thanksgiving	mother	father
Winter School Break Christmas first period	6:00 p.m. on last school day prior to Christmas	10:00 a.m. on Christmas Day	father	mother
Winter School Break Christmas second period	10:00 a.m. on Christmas Day	6:00 p.m. on New Year's Day	mother	father

Special Events Placement

Event	From	To	Even Years	Odd Years
Child's Birthday	10:00 a.m.	9:00 p.m.	mother	father
Father's Day	10:00 a.m.	9:00 p.m.	father	father
Mother's Day	10:00 a.m.	9:00 p.m.	mother	mother

Summer Placement

Event	From	To	Even Years	Odd Years
Summer School Vacation (1 st two-week period)	6:00 p.m. Third Friday in June	6:00 p.m. Third Succeeding Sunday	father	mother
Summer School Vacation	6:00 p.m. First Sunday in July	6:00 p.m. First Friday in August	mother	father
Summer School Vacation (2 nd two-week period)	6:00 p.m. First Friday in August	6:00 p.m. Third succeeding Sunday	father	mother

GENERAL CONDITIONS OF PHYSICAL PLACEMENT

(a) The parent exercising a period of physical placement will have a thirty (30) minute grace period for pick-up during the exchange of the child(ren). For example, the parent having weekend visitation will pick up the child(ren) on Friday from the parent with primary physical placement; the parent with primary physical placement will then pick the child(ren) up on Sunday from the parent having Weekend placement.

(b) If any of the specific days set forth in the Holiday Placement Schedule or Special Events Placement Schedule conflict with the Regular Weekend Placement Schedule, then the specified provisions set forth in the Holiday Placement Schedule and Special Events Placement Schedule shall be controlling.

(c) If any of the specific days set forth in the Summer Placement for either parent conflict with the Regular Weekend Placement Schedule, Holiday Placement Schedule, or Special Events Placement Schedule, then the specified provisions set forth in the Summer Placement Schedules shall be controlling.

(d) In the event either parent has a period of physical placement contiguous with their weekend period of physical placement, the child need not return to the other parent for the intervening night.

(e) The parent having physical placement of the child at 6:01 p.m. on any day shall be responsible for providing the child with the evening meal.

(f) Each parent shall provide necessary clothing and other needs of the child(ren), including toys if applicable, during the periods of physical placement of the child with that parent.

(g) Friday shall be considered the first day of regular weekend placement.

(h) This schedule will result in approximately 91 overnight visits by parent with secondary placement.

FCC/forms/visitation schedule 1

ALTERNATE WEEKEND PLACEMENT SCHEDULE
(Schedule Two)

Schedule of Secondary Periods of Physical Placement with

- Mother
 Father

Regular Weekend Placement

The parent awarded Secondary Periods of Physical Placement shall be granted the first, third, and fifth weekends commencing at 6:00 p.m. on Friday and ending at 6:00 p.m. on Sunday.

Regular Electronic Communication

The parent awarded Secondary Periods of Physical Placement shall be granted telephonic communication with the minor child(ren) every Wednesday evening from 7:00 to 7:15 p.m. Said parent shall initiate and pay for said communication.

If both parents have computer access, then said parent shall also have reasonable computerized communications with the minor child(ren) not to exceed one communication in any single day.

Holiday Placement

The parties will cooperate to insure a fair and equitable division of holiday placement between the child and each parent.

Summer School Vacation

The parent awarded Secondary Periods of Physical Placement shall be granted not less than four (4) weeks of physical placement with the minor child(ren). Such period of physical placement shall commence on July 1st unless the parties agree otherwise.

FCC/forms/visitation schedule 2

2-2-3 PLACEMENT SCHEDULE
2-2-3 ALTERNATE DAY PLACEMENT (50/50)
(Schedule Three)

The parents shall share equally physical placement with the minor child(ren) as follows:

Sun	Mon	Tue	Wed	Thur	Fri	Sat
Father	Father	Mother	Mother	Father	Father	Father
Mother	Mother	Father	Father	Mother	Mother	Mother

Placement shall commence at 6:00 p.m. on the day so designated in the above chart. The parent receiving the child(ren) shall be responsible for providing the transportation to pick up said child(ren). Parents may modify this placement schedule if and only if both parents agree. Parents shall work out holiday placement schedule as both may agree.

Mediation of Children's Issues
MEDIATION REFERRAL REQUEST

CASE CAPTION & NO: _____

To: Office of the Family Court Commissioner
P. O. Box 220
Friendship, WI 53934

I request a referral to the Adams County Family Court Mediation Service for assistance with: custody visitation/physical placement

Father's contact information: Petitioner Respondent

Name: _____
Street Address: _____
City, State, ZIP: _____
Phone: _____ email: _____
Attorney Representing Father: _____

Mother's contact information: Petitioner Respondent

Name: _____
Street Address: _____
City, State, ZIP: _____
Phone: _____ email: _____
Attorney Representing Mother: _____

Child(ren) Information:

Name: _____	DOB: _____

Name of Guardian ad Litem appointed for children: _____

ATTACH A COPY OF THE MOST RECENT ORDER RE CHILD PLACEMENT

Date: _____

Signature of Party Requesting Services
Printed name of party: _____

Child Support

Adams County Child Support Agency Assistance

The Adams County Child Support Agency may be able to assist you in obtaining child support or in modifying an existing child support order. You may contact the Agency at telephone 608-339-4228 or at their website, childsupport@co.adams.wi.us

Child Support Agency Approval Required

All cases involving minor child(ren) in which a Marital Property Settlement Agreement (Stipulation) is filed shall contain the signature of the Child Support Agency.

The CSA will indicate its (a) involvement or (b) non-involvement on all Marital Property Settlement Agreements (Stipulations) involving minor child(ren)

The CSA will either (a) approve the child support as specified in the stipulation, (b) disapprove the child support as specified in the stipulation, or (c) indicate that the Agency has no position and is not involved in the case.

NOTE: Non-involvement by the CSA does not mean that the parties can avoid submitting the child support calculation worksheets or tables and assigning child support obligations accordingly. All Marital Property Settlement Agreements (Stipulations) involving minor child(ren) must show how the child support is derived, including shared-placement cases where the parties will each have to pay child support as per the guidelines.

Child Support

Child support is usually determined based on the payer's gross income. For example, if you work 40 hours per week and earn \$20.00 per hour, then your income on a monthly basis is \$3,467. Child support for one child is calculated at 17% or \$589; for two children is calculated at 25% or \$866; or for three children is calculated at 29% or \$1,005.

Child Support Worksheets

1. Go to website: dcf.wi.gov/bcs/order/guidelines
2. Continue to: Estimating support amounts—Wisconsin Dept of children.....
3. Select as appropriate:
 - Shared Placement Cases
 - Serial Placement Cases
 - Split Placement Cases
 - Combination Cases
4. Complete Worksheet
5. Print Worksheet if applicable
6. Attach Worksheet to Marital Settlement Agreement.
7. The net child support amount shown on the Worksheet should be the amount of child support stated in your Marital Settlement Agreement. Note that child support will be due in almost all cases, even equally shared placement cases!

Health Insurance

If one parent covers the child with health insurance, then that parent is entitled to reimbursement by the other parent for a portion of the health insurance premium. If this situation applies to you, then you should contact your employer's human resources office and obtain in writing a statement of what the insurance premium is for a single insured employee and a family insured employee.

Paternity Action

Paternity Action

Most paternity actions are commenced with the assistance of the Child Support Agency. A named father will be requested to submit to a genetic test. If the results of the genetic test indicate that the named father is indeed the biological father, then the mother and father should consider the following issues:

- Will both parents share **custody**—custody means participating in the major decisions regarding the child’s life, to wit, elective health care, choice of religion, and choice of education for the child. Joint legal custody is the term used to denote shared custody.
- **Periods of Physical Placement**—which parent will care for the child during what time periods.
- **Child support** must be determined pursuant to the Wisconsin Child Support Guidelines.
- Which parent will insure the child for **health care** needs.

Mediator's Administrative Forms

[For Internal Accounting Use Only]

DIRECTIVE FOR MEDIATION

(To be completed by Clerk of Court)

Mediator: Kathy Storandt; Tom Charles; Julie L. Dorshorst

Date submitted to mediator:

Date due (90 days from above date):

Case Number:

Case Name(s):

MEDIATION REPORT

(To be completed by Mediator and return complete page to Clerk of Court)

- First Session Completed (include when one or both parties do not appear)
- Second Session Completed
- Third Session Completed
- Mediator's Agreement (also known as Partial Parenting Plan) re custody and/or physical placement attached to this report

Mediator's Comments:

(additional comments may be written on reverse of this form)

I certify that this mediation case is closed. _____

Mediator's Signature

ORDER FOR PAYMENT OF MEDIATOR'S FEE

(To be completed by Judge/Family Court Commissioner)

Payment authorized to mediator on _____, 20____, in the amount of:

- \$ -0-
- \$ 50.00 (completion of first mediation session only)
- \$ 100.00 (completion of first and second mediation session)
- \$ 150.00 (completion of first, second and third mediation session)
- \$ 50.00 (additional payment if written parenting plan drafted)

Payment of mediator's fees in the amount of \$_____ is hereby **ORDERED**.

Family Court Commissioner

