

In re the Paternity of: _____

CASE TYPE: PATERNITY

CASE CODE: 40501

_____, Petitioner

NOTICE TO RESPONDENT

and

_____, Respondent

Case # ____ PA _____

To the Respondent: _____

1. You have been named in a petition alleging paternity. A judgment of paternity would legally designate the child as your child, grant parental rights to you, create the right of inheritance for the child, obligate you to pay child support until the child reaches the age of 18, or the age of 19 if the child is enrolled full-time in high school or its equivalent, and make your failure to pay child support punishable by imprisonment as a contempt of court or as a criminal violation.
2. You have the right to be represented by an attorney of your choosing. If you are unable to afford an attorney the public defender maybe able to represent you. The public defender can only represent you after blood tests have been taken and the blood test results show a probability of paternity less than 99%. The public defender's phone number is 715/386-4360.
3. You may request blood tests, which will indicate the probability that you are or are not the father of the child. The court or family court commissioner will order blood tests on request by you, the state or any other party. Any person who refuses to take court-ordered blood tests may be punished for contempt of court.
4. The petitioner has the burden of proving by clear and satisfactory preponderance of the evidence that you are the father. However, if blood tests show that you are not excluded as the father and that the statistical probability of your being the father is 99.0% or higher, you are rebuttable presumed to be the father.
5. The following defenses are available to you:
 - a. That you were sterile or impotent at the time of conception.
 - b. That you did not have sexual intercourse with the mother of the child during the conceptive period as provided in s. 891.395.
 - c. That another man did have sexual intercourse with the mother of the child during the conceptive period.
6. You have the right to request a jury trial.
7. If you fail to appear at any stage of the proceeding, including a scheduled blood test, the court will enter a default judgment finding you to be the father. A default judgment will take effect 30 days after it is served on or mailed to you at your address on file with the court, unless within those 30 days you present to the court or a family court commissioner evidence of good cause for your failure to appear or your failure to have undergone a blood test. You need not appear at the time and place specified in the summons if you complete the attached Waiver of First Appearance statement and deliver it to the court by the date specified in the Waiver of First Appearance statement.
8. You must keep the clerk of court informed of your current address at all times.

DWD 40 Support Orders (1) DETERMINING CHILD SUPPORT USING THE PERCENTAGE STANDARD.
The percentage of the payer's base or adjusted base that constitutes the child support obligation shall be:

- (a) 17% for one child;
- (b) 25% for 2 children;
- (c) 29% for 3 children;
- (d) 31% for 4 children;
- (e) 34% for 5 or more children.

767.51 Paternity Judgment *****

4(m) Except as provided in sub. (5), the court shall determine child support payments by using the percentage standard established by the department of health and social services under s. 46.25(9)(a).

(5) 767.25 (1m) Upon request by a party, the court may modify the amount of child support payments determined under s. 767.25(jl) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties:

- (a) The financial resources of the child.
- (b) The financial resources of both parents.

9.

10. That the putative father and the mother of the child engaged in sexual intercourse on at least one occasion during the above-mentioned conceptive period.

11. That no other action to determine the paternity of the child or rebut the presumption of paternity to the child has been commenced, or is pending before any judge or court commissioner, in this State or elsewhere.

12. That the parties to this action have the right to request a blood test, pursuant to s. 767.48, Wis. Stats.

PETITIONER REQUESTS THE FOLLOWING RELIEF:

- A. Determination of Petitioner/Respondent as father of the child, _____, dob: _____.
- B. Contribution to the reasonable expenses of pregnancy and confinement.
- C. Child support and income assignment pursuant to § 767.265, Stats.
- D. Determination of legal custody and physical placement.
- E. Provision for health care insurance and contribution to uninsured health care expenses for the child.
- F. Repayment of service fees.
- G. And such other relief as is appropriate.

Dated this _____ day of _____, 2002.

Petitioner appearing pro se

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

Notary public, State of Wisconsin
My commission expires: _____