

CHILD SUPPORT 101

This document contains some basic information related to custody, placement and child support. It is not legal advice. Further information can be obtained at: (1) Wisconsin Statutes Chapter 767. Or (2) childsupport.wisconsin.gov

CHILD SUPPORT

- The child support guidelines are based on: (1) The parent's income, (2) The time a child spends with each parent and (3) Whether a parent is supporting other children
- The standard child support amount is:
 - 17% of income for 1 child
 - 25% of income for 2 children
 - 29% of income for 3 children
 - 31% of income for 4 children
 - 34% of income for 5 or more children
 - The support amount is generally stated in the order as a fixed dollar amount, instead of a percentage, and stays at that amount unless the order is modified by the court.
 - If a parent has no actual income, the court can determine an income based on that parent's earning capability.
 - *Wis. Stat. § 767.511, Wis. Admin. Code DCF § 150.03*
- If the paying parent's income is between 75% and 150% of the federal poverty level, the court may use the low-income payer guidelines.

CHILD SUPPORT/SHARED PLACEMENT FORMULA

- Courts may use the shared-placement guidelines when the order states that the parents will share the placement of their children at least 25% of the time (at least 92 overnights per year)
- If parents share placement evenly, the child spends 50% of the time with each parent, the parent with higher income might still be ordered to pay support
- If a Shared Placement Formula is used, the Court must also assign responsibility of the child's **variable costs** in proportion to each parent's share of placement. Variable costs are reasonable costs above basic support costs. These costs include child care, tuition and the special needs of the child.
- The shared placement formula can be found here:
http://dcf.wisconsin.gov/bcs/order/guidelines_tools.htm

MEDICAL EXPENSES

- Medical costs are uninsured health-related costs including dental and drug costs.
- The court order usually requires the parents to each pay 50% of medical costs.

BIRTH EXPENSES

- If the Medicaid, or BadgerCare Plus program paid a child's birth expenses, the court may order the father to repay a portion of these costs. *Wis. Stat. § 767.89 (3)*



This document was created by
MILWAUKEE COUNTY
CHILD SUPPORT SERVICES
September 2017

CHILD CUSTODY AND PLACEMENT 101

This document contains some basic information related to custody, placement and child support. It is not legal advice. Further information can be obtained at: (1) Wisconsin Statutes Chapter 767. Or (2) childsupport.wisconsin.gov

CUSTODY = DECISION MAKING

- Custody is the right to make major decisions concerning a child. Major decisions include, but are not limited to, decisions regarding non-emergency health care, choice of school, religion, consent to obtain driver's license, consent to marry or join military prior to age 18. *Wis. Stat. 767.001 (2) and 2(M)*
- Custody **does not** mean the time that the child spends with each party or the schedule of placement. Parents often get confused and think "full custody" means where the child lives. Placement is the term used to define the child's living arrangements.

JOINT CUSTODY

- The court presumes that the parents should be awarded joint custody. *Wis. Stat. 767.41 (2)(am)*
- Therefore, in the vast majority of cases the parties will be ordered to have joint custody.
- Parents must understand that this means that they cannot make major decisions without consulting with and obtaining consent from the other parent.

SOLE CUSTODY

- With sole custody, one parent has the right to make all major decisions regarding the child. *Wis. Stat. 767.001 (6)*
- To overcome the presumption of joint custody, a court must find one of the following conditions:
 - One parent is unfit.
 - There is a history of domestic violence between the parties.
 - One or more conditions exist which would substantially interfere with joint custody.
 - The parties agree that one party shall have sole custody. *Wis. Stat. 767.41 (2)(b)*

PHYSICAL PLACEMENT = TIME CHILD SPENDS IN THE CARE OF EACH PARENT

- There is NOT a presumption of equal or 50/50 placement.
- The court is supposed to set a schedule that: "allows . . . regularly occurring, meaningful periods of placement . . . that maximizes the amount of time that the child spends with each parent." *Wis. Stat. 767.41(4)(2)*



This document was created by
MILWAUKEE COUNTY
CHILD SUPPORT SERVICES
September 2017