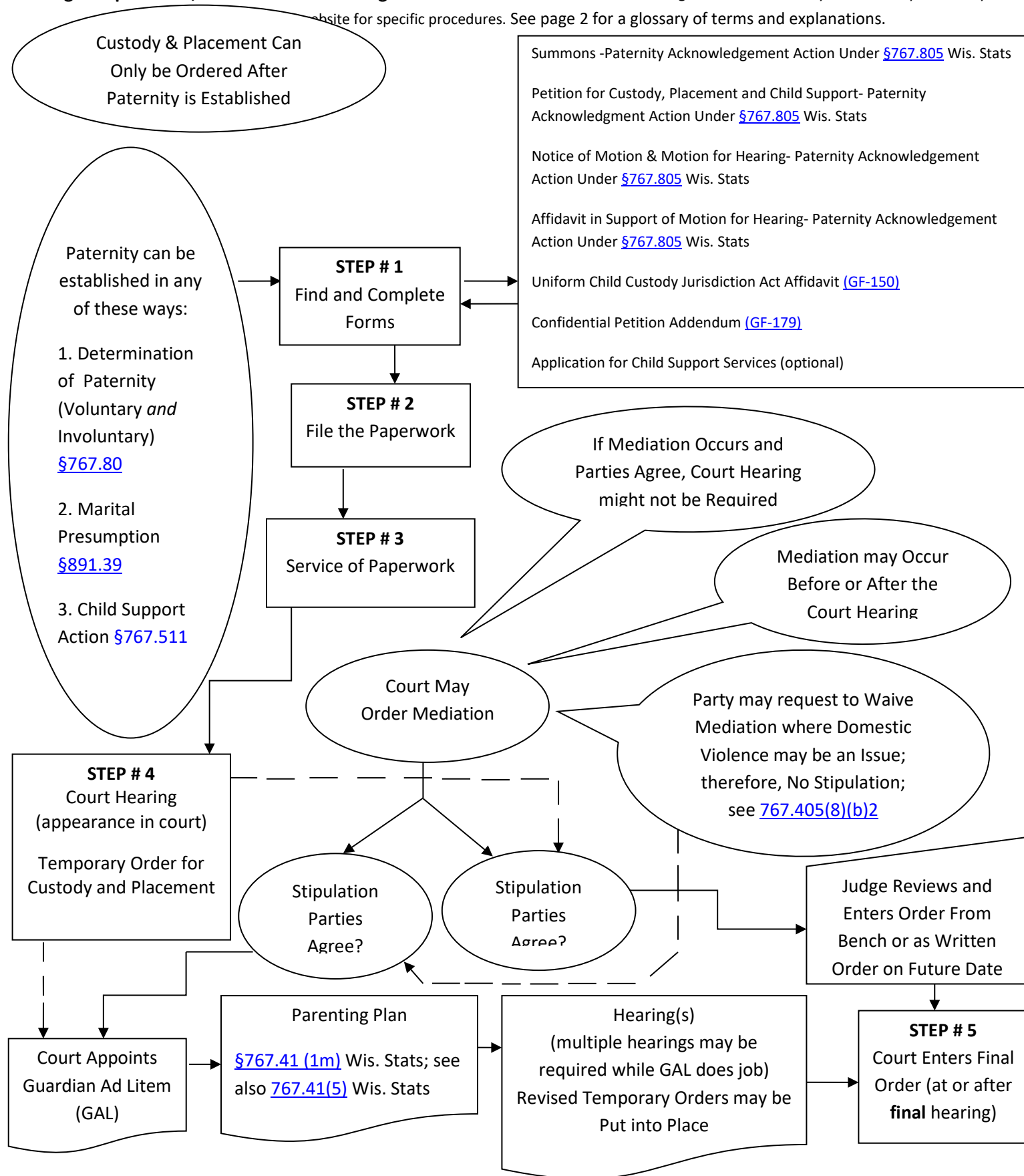


## ESTABLISHING CUSTODY/PLACEMENT AFTER PATERNITY IS ACKNOWLEDGED

This document, created by the End Domestic Abuse Wisconsin — Wisconsin Coalition Against Domestic Violence — Legal Department, does not constitute legal advice. Please Note: This chart is for general reference only. Check with your county website for specific procedures. See page 2 for a glossary of terms and explanations.



## **GLOSSARY OF TERMS AND EXPLANATIONS**

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**Affidavit** - Written statement or declaration of facts, made voluntarily and sworn to or affirmed before a person with authority to witness the oath.

**Child Support Action** - Money paid by one parent to another for the financial support of a minor child (can include medical, dental and educational expenses). The statutes contain child support guidelines a court should follow absent good reason to deviate in [§767.511](#). Also see [Department of Workforce Development \(DWD\)](#).

**Custody** – Person who has the right and responsibility to make *major decisions* concerning the child, except those specified decisions set forth by the court or the parties in the final court judgment or order. The care, control, and maintenance of a child awarded by a court to a relative, usually one of the parents. “*Major decisions*” includes, but is not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator's license, authorization for nonemergency health care and choice of school and religion. (**Sole legal custody** means the condition under which one party has legal custody.) See [§767.001](#).

**Determination of Paternity** – Court action that establishes who is the legal father of the child. See [§767.80](#).

**Guardian Ad Litem (GAL)** - Attorney appointed by the court to represent the interest of the child. The GAL does not represent the parent or the child, but the best interests of the child. See [§48.235](#).

**Hearing** - Proceeding before a court for the purpose of resolving disputed issues through presentation of testimony, offers of proof and argument.

**Marital Presumption** – This occurs when a man is married to a woman who gives birth during the marriage. In this situation, the man is the legal father of the child. This can also occur when a man and a woman, who gives birth to the child, marry after the child is born. See [§891.39](#).

**Mediation** - Cooperative process involving the parties and a mediator whereby the parties define and resolve their disagreements with the best interest of the child as the paramount concern.

**Parenting Plan** - In an action for annulment, divorce, or legal separation, an action to determine paternity, or an action in which legal custody or physical placement of a minor child is contested, a party seeking sole or joint legal custody or periods of placement must file a parenting plan with court before any pretrial conference. The parenting plan shall provide information such as where the child will live, attend school and receive medical care. See [§767.41\(1m\)](#).

**Paternity Acknowledgement** – A court document signed by persons who filed a statement acknowledging that they are parents of the child, by which the court acknowledges who the parents are. The court orders all of the following provisions: **(a)** Orders for the legal custody of and periods of physical placement with the child. **(b)** An order requiring either or both of the parents to contribute to the support of any child of the parties who is less than 18 years old, or any child of the parties who is less than 19 years old if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent. **(c)** A determination as to which parent, if eligible, shall have the right to claim the child as an exemption for federal tax purposes or as an exemption for state tax purposes. **(d)** An order establishing the amount of the father's obligation to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth. See [§767.805](#).

**Placement (Physical Placement)**- The condition under which a party has the right to have a child physically placed with him/ her and has the right and responsibility to make, during that placement, routine daily decisions regarding the child's care consistent with major decisions made by the person(s) having legal custody. See [§767.001\(5\)](#).

**Service** - Delivery of documents (summons, petition, order for hearing, etc.) to parties named in this court proceeding.

**Stipulation** - Agreement between the attorneys or parties about some aspect of the case.

**Summons** - Notice to a defendant or respondent that there is an action pending against him or her and that he or she must appear in court in response to that action.

**Voluntary Acknowledgement** – A form which allows the parties (if the mother and the man are 18 years or older) to voluntarily acknowledge that the man is the father. If this Voluntary Paternity Acknowledgment form is on file with the state registrar under [§69.15 \(3\) \(b\) 3.](#), and it is after the last day on which a person may timely rescind the statement, as specified in [§69.15 \(3m\).](#) the voluntary acknowledgement will establish the man as the legal father.