

TODAY'S DADS

2018 Edition, Issue 2

Summer, 2018



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2018 LEGISLATIVE COUNCIL STUDY COMMITTEE ON CHILD PLACEMENT AND SUPPORT, WFCF SELECTED TO SERVE AS PUBLIC MEMBER

Our voices are being heard! In 2017 the WFCF Board voted to initiate efforts to establish our own Legislative Education & Awareness outreach team. Through our meetings with Legislators in 2017 and early 2018 we were encouraged by the office of Senate President Roger Roth, Senate District 19 (R-Appleton) to work with their office to apply for (recommend) a Legislative Study Committee be conducted on issues important to our Organization and its members.

What are Legislative Council Study

Committees? During the summer and fall interim of each even-numbered year, the Legislative Council selects a number of subjects



for study from suggestions submitted by members of the Legislature. Often these topics are issues that are

difficult to resolve in the regular course of legislative business or that legislators feel require further consideration prior to the introduction of legislation. Each subject is appointed a study committee comprised of legislative and public members with expertise or interest in the issue. The study committees are chaired by legislators. Each committee is charged by the Legislative Council to study its issue and recommend legislative solutions as needed. Study committees generally meet from three to six times during the interim and ultimately

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WISCONSIN'S CHILD SUPPORT GUIDELINES CHANGE JULY 1

BY: CONSTANCE M. CHESNIK, Legal Counsel for Wisconsin's Child Support programs in the Department of Children and Families

June 20, 2018 – Starting July 1, the standard for determining child support



will change in Wisconsin, as new rules by the Department of Children and Families create new requirements for the determination of "variable costs" in shared placement cases.

Changes to Wisconsin Admin. Code Chapter DCF 150 makes numerous changes in addition to the requirements for determining variable costs. This article provides background on Wisconsin's Child Support Guidelines and explains the changes.

We are Wisconsin's Oldest "Father's Organization" having been formed in 1988. We have been hosting our Monthly Support and Network Father's Night Out Meetings since 2000 and are a 100% volunteer organization that has always and will always believe that

Kids NEED BOTH Parents

A MESSAGE FROM THE PRESIDENT *Tony Bickel*

WFCF apologizes for the delay in getting the Today's Dads out, the last issue



was the December 2017 one. The end of the legislative session was a very active time with only one bill affecting children with separated parents becoming law. Lowering the move away distance from 150 miles down to 100 miles, will certainly help keep all members of a separated family in closer proximity. The co-parenting mandate legislature will be introduced as soon as the next session begins in 2019, as well as likely the initial equal placement presumption bill. KY has passed a n equal placement presumption bill and the governor has signed it into law. More about that in this issue, as well as information on the VA bill that identifies the goal of maximizing time

children can spend with each of their parents.

Mary and Tony Ciano put a great deal of time and effort into a WFCF outreach activity in May, Family Fun Fest in Onalaska. They made a great impression of WFCF on many people, including several profession groups in the La Crosse area including but not limited to two area social workers, a 211 operator, a fellow fathers rights worker from Minnesota, a therapist, step mom's, bio mom's and bio dads.. More people now know who we are, what

Lowering the move away distance from 150 miles down to 100 miles, will certainly help keep all members of a separated family in closer proximity.

we do, and are connecting to us because of just that.

The most significant happening is of course the creation and enactment of the Legislative Study Committee on Child Placement and Support. This committee has ALL the stakeholders effected by these issues, gathered together to discuss and investigate both issues in

greater depth. In anticipation of the significance of this committee, WFCF has met with Representative Brooks and Senator Taylor, as well as a representative from End Domestic Abuse Wisconsin in May and established a positive working relationship with all parties. We are honored to be a member of this committee and are moving forward to prepare appropriately. The specifics and all members are identified in this issue of Today's Dads as well.

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WFCF Board Member Mary Ciano and her husband Tony who is the co-manager for the LaCrosse Father's Night Out Event at the WFCF Booth at the Family Fun Expo on Sunday April 8, 2018 in Onalaska WI.



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STUDY COMMITTEE ON CHILD PLACEMENT AND SUPPORT

(Continued from page 1)

mately report their recommendations, in the form of bill drafts, to the full Legislative Council for approval and introduction in the next legislative session. Committee meetings usually begin mid-morning and continue through the entire day.

While we don't know what if any impact the information submitted to Senator Roth's Office had on the decision making process. We now know that the the Wisconsin Joint Legislative Council has formed 10 Study Committees for the 2018 interim and one is on Child Placement and Support. The scope of this committee is to review the standards under current law for determining periods of physical placement and child support obligations. The committee may consider alternatives to current law concerning physical placement, including a rebuttable presumption that equal placement is in the child's best interest. The committee may also consider

Father's points of view will be well represented by both WFCF and Ben Kain of IFW.

whether the current standard for determining child support adequately and equitably provides for the support of children and alternative models for determining child support obligations.

When the study committee was announced (prior to members being selected) we (WFCF) met with Representative Brooks and Senator Taylor to thank them for forming this group. We certainly let them know we felt strongly that WFCF would be a valuable member of this committee and also suggested the group include the members of the state bar and domestic abuse prevention groups. We also provided documentation and contact information

for the recent KY initial presumption of equal placement law, to both Rep. Brooks and Sen Taylor.

WFCF President Tony Bickel has been selected to serve as a public member on this committee alongside the following other public members.

Maureen Atwell

Director, Child Support Division,
Waukesha County

Commissioner Mark Fremgen

Dane County Circuit Court

Jenna Gormal

Crisis Intervention Coordinator,
Domestic Abuse Intervention Center

Tiffany Highstrom

Attorney, Stafford Rosenbaum

Benjamin Kain

Founder, Involved Fathers of Wisconsin

Jim Sullivan

Director, Milwaukee County
Child Support Services

Honorable Judge Thomas Walsh

Brown County Circuit Court

These public members will have the unique opportunity to become directly involved in the formulation of public policy alongside the following legislative members:

Representative Robert Brooks

Committee Chairperson
Assistant Majority Leader
Assembly District 60 (R - Saukville)

Senator Lena C. Taylor

Committee Vice Chairperson
Senate District 4 (D - Milwaukee)

Representative Janel Brandtjen

Assembly District 22
(R - Menomonee Falls)

Senator Chris Kapenga

Senate District 33 (R - Delafield)

Representative Amanda Stuck

Assembly District 57 (D - Appleton)

This committee will be assisted by Legislative Council Staff: Rachel Letzing, Principal Attorney; Margit Kelley, Senior Staff Attorney; and Kelly Mautz, Support Staff.

This study committee provides an excellent opportunity to discuss and address these two issues with all interested parties providing input. There is no doubt that all parties will come away from this with a better understanding of the issues and the concerns associated with these issues. Father's points of view will be well represented by both WFCF and Ben Kain of IFW. This is a great opportunity and one that we are honored to be given and will put our greatest effort forward.

Chair Brooks anticipates that the Study Committee on Child Placement and Support may hold up to five meetings. At this time these meetings are tentatively scheduled for

August 28, 2018

September 25, 2018

October 23, 2018

November 20, 2018

December 18, 2018

Please note that testimony received at each meeting will be from invited speakers, and **public testimony will not be taken. However, Chair Brooks invites any members of the public to submit written testimony, which will be collected by our office and made available at the meetings and on the committee's website. Accordingly, please feel free to suggest to colleagues or others that they may submit written testimony to our office before the first or second meeting that identifies any particular concerns with current state law regarding child placement and support and any suggestions for improving those issues.**

If Interested, please submit respectful and factual written testimony to:

Via E-Mail to:

Legislative.Council@legis.wisconsin.gov
Attn : Rachel and Margit

LANDMARK SHARED PARENTING LAW IN KENTUCKY!

Thanks to Kentucky legislators and Gov. Bevin, Kentucky now leads the nation in protecting children's best interests when parents' divorce or separate. The historic moment arrived on Thursday, April 26, when Gov. Matt Bevin signed HB528, a bill stating equal parenting time is best for children.

"April 26 goes down in history as the day Kentucky became the first true shared parenting state in the United States. Kentucky, more than any other state, can now say it does everything it can to give children two loving parents after divorce – just as our children deserve," said Matt Hale, Chair of National Parents Organization in

Kentucky now leads the nation in protecting children's best interests when parents' divorce or separate.

Kentucky, who led the reform effort for five years. "Research overwhelmingly shows children want and need both parents after separation. Our state lawmakers responded by aligning state laws with the research. This represents a common sense yet unprecedented move. Our lawmakers and primary sponsors Jason Petrie and Kevin Bratcher should be commended."

The law passed the Kentucky House and Senate before Gov. Bevin signed it into law on April 26th. The law goes into effect in July 2018. WFCF has had extensive conversations with both Matt

Hale and Jason Petrie as to exactly what the path was to this significant legislative milestone. Both Jason and Matt have been exceptionally helpful and informative as to the steps that were taken to make this happen. Additionally here is some background to this new law. In 2004 KY passed a law that was worded, and equal consideration shall be given to each parent. Last summer (2017) KY passed an initial preponderance of equal parenting for all temporary placement orders. Both Petrie and Hale indicated that the 2017 bill did not seem to have the weight that was intended in making equal parenting a priority when both parents were willing and able. So the 2018 bill addressed that and reiterated that a presumption, rebuttable by a preponderance of evidence that equal shared placement is in the best interest of children.

VIRGINIA GOVERNOR NORTHAM MAKES FAMILY COURT REFORM HISTORY

On May 19, 2018 Virginia Governor Ralph Northam moved a bill into law that opens the door to a more robust shared parenting law in the future. Both the House and Senate unanimously passed House Bill 1351, which is set to become law on July 1, 2018. Importantly, Virginia's bill leaves in place the same provisions that account for histories of domestic violence or other abuse. Delegate Glenn Davis, R-House District 84, sponsored the bill (HB 1351).

"We couldn't be more thrilled for the families of Virginia. We want to thank our legislators, especially Delegate Glenn Davis whose collaborative leadership is unmatched, and Governor Northam for acting unanimously on the overwhelming research that shows children do best when they spend significant time with both of their loving parents," said Christian Paasch, Chair of National Parents Organization of Virginia. "I am proud to now be able to say that the Commonwealth has taken a first step to align its child custody laws with decades of child development research. We still have work to do, but we are heartened by the passing of HB 1351."

"Because of this new law in Virginia, the Commonwealth has taken an im-

portant first step to improve children's educational achievements, decrease their use of drugs, give them a greater sense of security, and improve their overall health and adjustment. We look forward to seeing Virginia continue down the path toward true shared parenting, which is good for mothers, good for fathers and best for children and families.

Again some background here as to the Virginia law. It directs the courts to maximize the time with each parent. This wording was added to the WI law back in early 2000's. The result in WI after that wording was added was that thousands of children now benefitted from having BOTH parents equally involved in their lives. The proof of that statement is in the placement data compiled by the UW WI of placement outcomes between 2001 and 2010. This data is in this study:

[http://www.wisconsinfathers.org/Placement_Outcomes_Draft_Meyer_Cancian_Cook_27_March_2017_\(2\).pdf](http://www.wisconsinfathers.org/Placement_Outcomes_Draft_Meyer_Cancian_Cook_27_March_2017_(2).pdf)

From that study EQUAL placement outcomes in divorce situations, increased from 16% of the time in 1998 to 35% of the time in 2010. We have been unable to obtain any more recent placement statistics, but are continuing to gather

that information.

Another study relating to adding the wording maximize the parenting time with both parents, is discussed in *What Happens When There is a Presumptive 50/50 Parenting Time? An Evaluation of Arizona's New Child Custody Statute*. One of the authors was Dr. William Fabricus, and WFCF has had an extensive discussion with Dr. Fabricus on what this study identified. This study was based on a survey that was completed by Judges, Court Commissioners, lawyers, mediators, counsellors and others involved in the Family Court Process. In this study there was no actual outcome data compiled but the overall consensus by the vast majority of professionals that were surveyed was, that the likelihood of and equal placement order when both parents were fit and able, was VERY high. One thing to note is this survey/study did not differentiate between divorced parents and never married parents. Another take away from this study was that Judges in AZ started with equal shared parenting as best for children, even if one parent wanted primary placement. The best interest of children by having equal access to BOTH of their parents should not be ignored based on one parent's wants.

WISCONSIN'S CHILD SUPPORT GUIDELINES CHANGE JULY 1

(Continued from page 1)

Current Standard

Variable costs, under DCF 150.02(29), are "the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to, the cost of child care, tuition, a child's special needs, and other activities that involve substantial cost."

The current standard requires parties to share variable costs in proportion to the amount of time they had the children. This standard often results in one parent unilaterally making decisions to incur costs that the other parent is proportionately responsible for paying.

As child support agencies do not have the authority to enforce variable cost orders, these orders often are a source of litigation between the parties. The new rule permits parents in shared placement cases to argue for application of the shared time formula based on significant blocks of time spent with the children that do not involve overnights.

Additionally, the rule changes the measure of reasonable cost for a private health insurance plan to more accurately reflect the ability of parents to cover the cost of health care coverage. It also provides clear guidance on how to address social security benefits received directly by the children when calculating support as well as adoption assistance received by the family on behalf of one or more of the children.

Background

In January 2015, the Department of Children and Families (DCF) convened an advisory panel to review Wisconsin's Percentage of Income Standard guidelines for setting child support as a part of its federally required quadrennial review.

The advisory panel met over a six-month period to review the results of research conducted by the Institute for Research on Poverty and OCSE, analyze guideline applications in other states and make recommendations to DCF for changes.

Representatives from various advocacy groups participated on the panel, including the State Bar Family Law Section, the Judiciary, community-based organiza-

tions, child support agencies, parents and the Wisconsin Legislature.

The committee made recommendations on the application of the guidelines in special circumstances, as well as the guidelines for the establishment of medical support orders. Their recommendations formed the basis for the changes in DCF 150.

Shared Placement Formula

Variable Costs. Starting July 1, DCF requires that variable costs shared by the parties be determined based on a list of variable costs agreed to by the parties or ordered by the court based upon lists furnished by the parties.

The rule requires that transportation costs related to the exercise of physical placement be included in that list. DCF is working with the State Courts Records Management Committee to develop a form for identifying variable costs. DCF also clarifies that a change in circumstances to modify a child support order should be a change in the circumstances of the parties and not a change in variable costs alone. The rule no longer expressly permits rolling variable cost orders into the child support order.

Equivalent Care. Starting July 1, DCF 150 contains provisions allowing the court to apply the shared-time formula in cases where a parent cares for the child(ren) for periods of time that are not overnight, but which are determined by the court to be the equivalent of an overnight.

The definition of "equivalent care" was amended to provide that blocks of time with the child of at least six hours may be considered the equivalent of a half-day if a meal is provided during that time period.

Courts may consider two, half-day blocks the equivalent of an overnight. When calculating periods of physical placement based on equivalent care, the total number of overnights may exceed 365. The period of placement for each parent is determined by calculating the number of overnights or equivalent care ordered and dividing that number by the total number of overnights in a year.

Medical Support. Under the new rules, the measure of reasonable cost for a private health insurance plan is increased from 5 percent of each parent's gross monthly income to 10 percent of the gross monthly income of each parent. That measure is applied to the full cost of the policy as opposed to the incremental cost of adding the child(ren). A contribution from the non-insuring parent to the cost to enroll the children may not exceed the cost to add the children to existing coverage.

Adjustment for Child's Social Security. A method is provided for considering a child's benefit under 42 U.S.C. §402(d) in both sole placement and shared placement situations. If the non-custodial parent is receiving the child(ren)'s benefit, *the support amount should be either the percentage standard applied to the payer's income or the amount of the child(ren)'s benefit, whichever is greater.* (See Update on Page 6 regarding italicized section)

If the custodial parent is receiving the child(ren)'s benefit, the amount of that benefit is subtracted from the child support obligation as calculated using the appropriate percentage. If the shared placement guidelines under DCF 150.04(2)(a) apply, the child's benefit is split between the parents in proportion to the amount of time the child spends with each parent. The parent who is receiving the children's benefits should have the proportion of the child's benefit that represents the proportion of time the child(ren) spends with the other parent added to their support obligation.

Adjustment for Adoption Assistance. Provisions similar to those established for consideration of a child's social security benefit were also created to provide a method for the consideration of adoption assistance received by either parent under Wis. Stat. section 48.975(3)(a).

Income and Benefits. Any contribution to a pension or retirement account is considered income when establishing a child support order, regardless whether that contribution is voluntary. Veteran's disability compensation benefits

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are income when establishing child support as these benefits replace income.

Low-Income Formula. Effective July 1, DCF 150 permits combining the low-income formula with the shared, serial, split placement and high-income formulas. New language suggests job search or a work experience program, such as Children First, as an alternative to imputing income in low-income cases. Recently enacted federal regulations will require further review of the low-income guidelines as a part the DCF's next quadrennial review in 2020.

Serial-Family Formula. DCF now clearly provides that a parent with a legal obligation to support a child in an intact family is a serial-family

Example 1: Shared Placement Formula

Parent A	Parent B
\$2,000 monthly income available for child support	\$3,000 monthly income available for child support
Court-ordered placement of the child 271 days a year, or 74%.	Court-ordered placement of the child 94 days a year, or 26%. Also provides day care 4 days a week from 3-9 pm and provides dinner to the children 46 weeks per year. Four 6-hour blocks per week = 2 overnights x 46 weeks = 92 overnights per year Total number of overnights = 457 (271 + 94 + 92)
Time with Parent A = 59% (271/457 = .59)	Time with Parent B = 41% (94 + 92/457 = .407)

Example 2: Shared Placement Formula

	Parent A	Parent B
1. Monthly Income Available for child support	\$2,000	\$3,000
2. Monthly Income Available for child support (x percentage standard for two children)	\$2,000 x 25% = \$500	\$3,000 x 25% = \$750
3. Amount in 2. x 150%	\$500 x 150% = \$750	\$750 x 150% = \$1,125
4. Amount in 3. x the proportion of time that the child spends with the other parent	\$750 x 41% = \$307.50	\$1,125 x 59% = 663.75
5. Offset	\$663.75 - \$307.50 = \$366.25	
6. Court also assigns responsibility for payment of the child's variable expenses	Manner of payment is between the parents or from parent to a third-party service provider	

payer when calculating a support obligation for children from a subsequent family. DCF 150 also provides that if multiple child support obligations reduce a serial-family parent's income to a level established under the low-income formula, the court may combine the provisions of the serial family formula with the provisions for determining support obligations for low-income payers.

Conclusion

The goal of these rule changes is to establish realistic orders so that paying parents will be more likely to meet their child support obligations. The quadrennial state guidelines review is more transparent and allows citizens an opportunity to provide meaningful input into the review process.

Update: from Author There is an error in the rule that was recently discovered and we will have to take it through the rule process to get it corrected. The calculation in situations where the child is receiving an SSDI benefit in DCF

150.03(5)(b) says "The shared-placement payer shall pay either the greater the amount determined in this subsection or the amount determined using the appropriate percentage standard under s. DCF 150.03(1)." That should say 'lesser'.

I suspect it was a cut and paste error and despite the numerous reviews we had, it was missed. We will get it corrected but I wanted you to be aware.

LAW CHANGES SUPPORTED BY CHILD DEVELOPMENT RESEARCH

These law changes are in line with child development research. For instance, a study published in January by Linda Nielsen, a professor of adolescent and educational psychology at Wake Forest University analyzed about 60 international scientific studies spanning several decades. It concluded that shared parenting is best for children on multiple measures when parents' divorce or separate.

For example, the studies noted that children who do not have the benefit of regular access to both parents suffer from numerous psycho-social mala-

dies:

- 85% of children exhibited behavioral disorders
- 70% increased rate of teen suicides
- of the juveniles in state-operated institutions, 70% reported having no contact with their fathers
- among high school drop-outs, 71% reported having had no access to one of their parents
- 75% of the children in chemical abuse centers reported lack of regular contact with one parent
- 85% of those in prison reportedly

came from a single parent household with no regular contact with a father or mother

Here's what I'm sure we can all agree on: Shared parenting among fit parents is best for kids. And while we've been making great progress toward improving the lives of children after their parents separate or divorce, much work remains to be done. Simply call your legislator and tell him or her that your vote depends on their support of shared-parenting.

2017 WISCONSIN ACT 203 MAKES SIGNIFICANT CHANGES TO PROCEDURE RELATING TO POST-DIVORCE RELOCATION

Published by Tiffany L. Highstrom on June 25, 2018 (Reproduced with Permission)

2017 Wisconsin Act 203 ("Act 203") recently made significant changes to the law that governs when one divorced parent seeks to relocate geographically far away from their child's other parent. This post summarizes Act 203's changes to prior law and details the new procedures and standards applicable under the Act.

Act 203, which went in effect on April 5, 2018, changes prior law in four major ways:

It Reduces— from 150 miles to 100 miles—the distance that triggers legal scrutiny.

It requires the moving parent to provide the court with more detailed information about the reason for the move and with a proposal for placement if the relocation is granted.

It provides for special consideration of cases involving a parent who does not significantly exercise placement and relocations related to abuse.

Finally, it clarifies the somewhat confusing presumptions and burdens of proof under prior law by generally placing the burden of proof on the party requesting the relocation.

Overall, the new law streamlines the standards a court considers in deciding whether to grant the relocation and places additional requirements on the parent requesting the move.

Prior Law

Under prior law, if both parents shared physical placement of the child, then a parent wishing to move 150 miles or more away from the other parent, or wishing to remove the child from the state for more than 90 consecutive days, had to give the other parent and the court 60 days' written notice. Wis.

Stat. 767.481(1) (2015-2016). If the other parent objected, the court would refer the parents to mediation and had discretion as to whether to appoint a Guardian ad Litem. Wis. Stat. 767.481(2) (2015-2016).



After the filing of a motion or order, the court would consider different statutory factors (such as whether the change was in the best interests of



the child) and determine whether to grant the relocation request. Wis. Stat. 767.481(5) (2015-2016). Prior law created numerous presumptions and varying burdens of proof depending on the current custody and placement agreements at the time of the proposed relocation. Wis. Stat. § 767.81(3) (2015-2016).

New Law

Under Act 203, if both parents share physical placement, then the parent intending to relocate 100 miles or more from the other parent must first file a motion with the court seeking permission to relocate the child. Wis. Stat. 767.481(1)(a) (2017-2018). If the move is less than 100 miles from the other parent, notification is no longer required, even if the move crosses state lines. When a motion is required, the motion must include a relocation plan that provides the reason for the relocation and outlines proposed responsibility and allocation of costs relating to transportation,

among other items. Wis. Stat. 767.481(1)(b) (2017-2018). The parent wishing to move must send notice to the other parent of the deadline to object, and attach the "Objection to Relocation" form. Id.

The court must hold an initial hearing within 30 days of the motion. Wis. Stat. 767.481(2) (2017-2018). If the parent not seeking to move does not appear at the initial hearing, or appears but does not object, then the court must approve the proposed relocation plan, absent a finding that relocation is not in the best interests of the child. Id. If the other parent does object, then the parties are referred to mediation and a Guardian ad Litem is appointed. Wis. Stat. 767.481(2)(c)2.-3. (2017-2018).

At the final hearing, the court must approve the proposed relocation if it only minimally changes or affects the current placement schedule. Wis. Stat. 767.481(4) (2017-2018). If that is not the case, the court must consider the 16 factors outlined in 767.41(5). A presumption in favor of the proposed relocation plan applies if the court determines that the objecting parent has not significantly exercised court-ordered physical placement or if the relocation is related to abuse.

The new statute clarifies that the moving party bears the burden of proof in a contested relocation, except in cases where objecting parent has not significantly exercised placement or relocation is related to abuse.

Conclusion

Act 203 should make relocation requests simpler for both parents, by making the process and the applicable standards clearer. The State Bar's Family Law Section, of which I am past chair, was heavily involved in drafting Act 203 and shepherding it through the legislative process.

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Central WI:

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4890 Hwy H, Edgar, WI

NW WI (Eau Claire):

Third Thursday of each month
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Taquera La Poblantia

2436 London Rd, Eau Claire, WI



Green Bay/NE WI:

First Wednesday of the month
6:30 PM at:

Townline Pub

2544 Lineville Rd, Green Bay, WI

La Crosse:

Second Thursday of the month
6:30 PM at:

Sheninigans

2100 Dawson Ave, La Crosse, WI

Janesville:

Second Thursday of the month
6 PM at:

Fuddruckers

3136 E US Hwy 14, Janesville, WI

Racine:

Third Friday of the month
7:30 PM at:

Asian Buffet

3701 Durand Ave, Racine, WI

Fond du Lac:

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