



Today's Dads

Newsletter of
**Wisconsin Fathers for
Children and Families**

June 2017

16 BEST INTEREST Factors in custody and physical placement determinations

It was noted by a *Family Court Commissioner* reading our March newsletter that in the factors used in determining placement orders there were only 10 factors given, there actually are 16. **This is a MUST READ for anyone who is going or gone through, a separation from the other parent with children.** *Wisconsin Legislature*

767.41 Custody and Physical Placement

1. The wishes of the child's parent or parents, as shown by any stipulation between the parties, any proposed **parenting plan**
2. The wishes of the child, which may be communicated by the child or through the child's guardian ad litem or other appropriate professional
3. The interaction and interrelationship of the child with his or her parent or parents, siblings, and any other person who may significantly affect the child's best interest.
4. **The amount and quality of time that each parent has spent with the child in the past, any necessary changes to the parents' custodial roles and any reasonable lifestyle changes that a parent proposes to make to be able to spend time with the child in the future**
5. The child's adjustment to the home, school, religion and community
6. **The age of the child and the child's developmental and educational needs at different ages**
7. Whether the mental or physical health of a party, minor child, or other person living in a proposed custodial household negatively affects the child's intellectual, physical, or emotional well-being
8. The need for regularly occurring and meaningful periods of physical placement to provide predictability and stability for the child.
9. The availability of public or private child care services.
10. **The cooperation and communication between the parties and whether either party unreasonably refuses to cooperate or communicate with the other party.**

WFCF adds 9th Fathers Night Out throughout Wisconsin!

Thanks to FNO Manager **Rick Frazer** we will be adding another monthly FNO in Fond du Lac WI in June! Rick will be heading up the new FNO in FDL, Rick was the Fox Valley FNO leader and **Kevin Monahan** will take over as leader of the Fox Valley FNO starting in June.

WFCF now will be providing **over 100 meetings a year** across the state to assist fathers (*and mothers*) with parenting and placement issue's **in person!**

More info can be found on our website at :
<http://www.wisconsinfathers.org/fathersnight.htm>

New Ways to Show Your Support

WFCF is now offering **WFCF logo wear**. Dress & Polo shirts, lightweight jackets and hats are available for purchase directly from Wisconsin Graphics and Apparel in DePere. We will ***also be offering*** lapel pins and new vinyl removable bumper stickers. Please watch our website for updates on how to order.

Strength in Numbers, Join WFCF Today

A lifetime membership is ONLY \$30!

Please consider joining and asking/encouraging your family/friends who support our mission. to **join WFCF TODAY!**

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16 Factors*Cont./from Page 1*

11. Whether each party can support the other party's relationship with the child, including encouraging and facilitating frequent and continuing contact with the child, or whether one party is likely to unreasonably interfere with the child's continuing relationship with the other party.
- 12 Whether there is evidence that a party engaged in abuse, as defined in s. 813.122 (1) (a), of the child
- 12m. Whether any of the following has a criminal record and whether there is evidence that any of the following has engaged in abuse, as defined in s. 813.122 (1) (a), of the child or any other child or neglected the child or any other child:
- a. A person with whom a parent of the child has a dating relationship, as defined in s. 813.12 (1) (ag)
- b. A person who resides, has resided, or will reside regularly or intermittently in a proposed custodial household
13. Whether there is evidence of interspousal battery as described under s. 940.19 or 940.20 (1m) or domestic abuse as defined in s. 813.12 (1) (am)
14. Whether either party has or had a significant problem with alcohol or drug abuse
15. The reports of appropriate professionals if admitted into evidence.
16. Such other factors as the court may in each individual case determine to be relevant.
- (bm) If the court finds under sub. (2) (d) that a parent has engaged in a pattern or serious incident of interspousal battery, as described under s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), the safety and well-being of the child and the safety of the parent who was the victim of the battery or abuse shall be the paramount concerns in determining legal custody and periods of physical placement

<http://docs.legis.wisconsin.gov/statutes/statutes/767.pdf>

I have color coded some of the factors. The RED factors are safety factors. Some protect the children and one parent or both, from abuse. The other is to protect the children from contact with parents under the *influence of drugs*, again a significant and very important safety factor if someone is to have placement of their children. The BLUE factors are ones I would like to mention a couple of things about. I also welcome our readers comments on the blue ones or any of the factors, as I'm always interested in others points of view and reasoning behind those.

Factors 10 and 11 Situations surrounding these two factors are some of the most common issues addressed in our helpline inquiries. I estimate that teeth in enforcement of these two factors would cut our helpline requests by 20-25%! Communication problems are a leading reason for divorce or other relationship break-downs, how can we not expect it to be an issue post-separation. Rather the question becomes how can we mitigate these problems in the BEST INTEREST of the child(ren). Here are some tips:

#1 Put the child(ren) first and foremost, a divorce, separation or break up is not between a parent and a child or a child and a parent, it is between two adults. Both adults need to find ways to put their adult differences aside in the BEST INTEREST of their child(ren).

#2 Clarity in Court Orders including Temporary Orders, whether you expect, or know there will be communication issues get them addressed in your orders, while this doesn't guarantee that there will be compliance with the order(s) it at least outlines the expectations.

#3 Co-Parenting Classes and Tools: Wisconsin State Statute 767.401(2) allows the Court to order the parties to attend a class that is approved by the court and that addresses such issues as child development, family dynamics, how parental separation affects a child's development, and what parents can do to make raising a child in a separated situation less stressful for the child. If you feel this may be beneficial in your case do not hesitate to request this in your order. While likely not as effective as both parents attending the class, there is absolutely no harm is voluntarily seeking out and taking a co-parenting class individually as you may learn ways to work with your child(ren)'s other parent. In Wisconsin there are multiple entities that offer a variety of co-parenting classes, our website contains a link to the University of Wisconsin Cooperative Extension Family Living Programs website that has information on their current programing.

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Strength in Numbers, Join WFCF Today

As we continue through what has been one of the most active years in recent WFCF History we will be faced with requests if not demands for numbers on who we represent or help and how we help our members and FNO attendees. In addition the upcoming legislative push for equal parenting rights we need more than ever to increase our paid membership. More members add more creditability to our legislators, which tells them there are a LOT of voters who want this change to come about NOW.

A lifetime membership is ONLY \$30!

Everybody knows at least 5 other people who support our belief that “Kids **NEED BOTH** Parents” We want to maximize our membership so it adds maximum credence to our rally call for equal rights for BOTH parents.

Please let **at least five other people know** that by joining our group they will help insure that the children of Wisconsin will have the right to have **BOTH** of their parents actively and equally involved in their lives.

If we do this, it will not be 1000 people asking for equality for BOTH parents, it will be

5000 people asking for equality!

**BOTH PARENTS ARE
EQUALLY IMPORTANT**

Please ask **at least 5 people** to consider a

tax deductible donation

<http://www.wisconsinfathers.org/join.htm>

Click on **buy now** to join WFCF

Shared parenting after divorce/split is best for children, has the endorsement of 110 world experts, is supported by 43 peer reviewed papers, is favored by 70% of the Population and was the conclusion of the largest study on children of divorce.

Fox Valley FNO Group



**A New Generation of WFCF
brings a NEW Logo**

Upon joining the Board of Directors in January 2017 Board Member Kevin Monahan approached President Tony Bickel about the idea of creating a new logo for our organization. There were multiple reasons for this suggestion including the fact that the current logo was designed such a long time ago that no one currently involved with the organization had any of the artwork files that would be needed for professional reproduction, the fact that the existing logo was black and white it was felt that something with colors would be more eye catching.

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New Logo Continued from Page 3

WFCF is Wisconsin's oldest "Father's Organization" since our inception nearly 30 years ago who we are and what we do has evolved greatly. Wisconsin Fathers for **Children and Families** is not as much a "Father's Rights" Group or even a "Parent's Rights" group we are a group focused on the **best interest of children and families** dealing with a separated or divided home as the result of divorce, legal separation, or unmarried parents not living together. Statistics and studies show the single best thing for the children involved in these situations is shared parenting and shared placement. Kevin felt it was important that the logo which represented our organization accurately and clearly reflected that we support **BOTH** parents as we believe that "Kids **NEED BOTH** Parents". This belief is based on the assumption that this applies only in cases where both parents are fit and responsible. Children deserve to have both of their parents involved in their life and WFCF will support and assist to our greatest ability any fit and responsible parent with ensuring that their child(ren) who's voices aren't always heard in these types of emotional situations are given the right to have **BOTH** of their parents involved in their life. It is important to remember that biologically children inherit half of their DNA/genetic make-up from their father and the other half from their mother, in life they deserve the same right to inherit life skills, morals and values from both their mother and father, regardless of whether their parents ever marry or remain married during their childhood. No parent should be viewed as superior all have strengths and weaknesses and the combination of those strengths and weaknesses are what influence our children and what they will become as they age.

The fact that the majority of our membership and FNO attendees are "Fathers" is not because we don't support women or mom's it is the direct result of the current Family Court environment and the fact that "Fathers" are typically the ones who draw the proverbial short straw when custody and physical placement

are not divided equally. We encourage and welcome any mom, dad, step-parent, grandparent, **adults who themselves where children of divorce**, etc to join WFCF to help support our belief that "Kids **NEED BOTH** Parents" We also wanted to increase the eye catching "pop" of the logo by adding color, that led to the adoption of green and gold as the "Official Colors" of WFCF. Green and gold seemed to be logical choices because of the association with the state and the colors. ie Green Bay Packers. It's easily recognizable and people automatically think WI with green and gold. Furthermore, from a design standpoint green is a color of growth, harmony and ambition, and yellow/gold is associated with love, compassion and courage, which naturally represent our organization very well! The board approved adoption of the new logo in February 2017.

Thank You to

Hank Holterman of *h-squared design* for your in kind donation of services



to design our new logo

ABOUT HANK: Having produced hundreds of logos over the years, he became somewhat of an expert in the discipline of mark-making, and when Kevin Monahan approached him to do a new logo for WFCF, he leapt at the opportunity to create a mark for an organization whose mission was so aligned with his own personal thinking. After a small amount of revisions, the new WFCF logo was born. When the leadership of WFCF made him an honorary member, he promised to always help WFCF, and fathers, in whatever capacity he could. Hank looks forward to working with WFCF and all dads now and in the future. Being a member of WFCF is one of his personal favorites, when it comes to achievements and helping the community.



Wisconsin Child Custody/ Placement

Information Provided by: Max D. Harris, Esq.

In Wisconsin the term "legal custody" refers **not to where the children are to live but to the allocation of decision-making authority** among the parties with respect to major decisions. The term "**physical placement**" is used to refer to where the children are to live, and the term "periods of physical placement" refers to the time the children are placed with a particular parent or custodian

Legal custody may be sole or joint, or mixed sole and joint (joint in some areas but sole in others). **Joint legal custody means both parents have a right to participate in major decisions affecting the children**; sole legal custody means only the parent with legal custody has the right to decide major decisions affecting the children. Occasionally the court will grant joint legal custody on most issues but identify certain areas where one parent has sole legal custody.

The court may grant joint legal custody if it finds that it is in the best interests of the children and either both parents request it or one parent requests it and the court finds all three of the following: 1) both parents are capable of performing parental duties, 2) no conditions exist which would substantially interfere with the exercise of joint legal custody, and 3) the parties will be able to cooperate in the future decision-making required by joint legal custody.

Under certain circumstances the court may transfer legal custody to a relative of the children or to an agency if the court finds that neither parent is able to adequately care for the children. This third-party custody decision under a divorce decree is rare but seems to be becoming more common as more and more children are left with relatives by distressed spouses prior to divorce.

The court will want the children to spend time with both parents, and by statutory law must allocate periods of physical placement between the parties unless the court finds that physical placement with a parent would endanger the children's *physical, mental or emotional health*. Absolute denial of periods of physical placement is very rare, but if ordered, may provide a basis for eventual termination of parental rights.

In most cases each parent is awarded periods of physical placement of the children. The actual placement arrangement may take one of three basic forms:

- **The Traditional Form** - One parent has primary placement of the children and the other parent has periods of placement which usually take the form of every other weekend during the school year plus extra time in the summer. There is also usually an alternating of holidays and a sharing of Christmas.
- **Shared Placement** - In recent years the idea of the parents sharing placement of the children more equally has grown in popularity. This may take the form of equal shared placement, such as alternating week or two-week periods, or some other form of shared placement which is not equal but in which the parent with less time has substantially more time than the noncustodial parent under the traditional form. Parents who work different shifts may also find shared placement an effective way of sharing responsibility and care of the children. There is a special shared placement child support rule which lowers the child support obligation in recognition of the additional care and support provided by a shared placement format.
- **Split Custody** - Occasionally, and for a wide variety of reasons, children are split up between the parents, with each parent having periods of placement with the child or children primarily placed with the other parent. With split custody, the visitation schedules are usually set up to have the children together every weekend and for substantial times in the summer. If the parties cannot reach an agreement about the placement arrangement for the children the court may have to decide the issue after a trial. The interests of the children are represented at the trial by an attorney, known as a guardian ad litem, appointed by the court to represent the children's interests. A custody study is usually prepared for the benefit of the court and plays a significant role in the guardian ad litem's position and the court's decision.

Placement Order Type	Year		
	1998	2008	2016 (Estimated)
50/50	16%	31%	40%
Sole	8%	7%	8%
Primary	1%	2%	3%
Every Other Weekend	7%	13%	20%
NO PLACEMENT	64%	47%	29%

NOTE: The 1998 Data only adds up to 96% and this is attributable to cases where there was a "Split Placement" order.

WFCF accomplished its first solo



lobbying effort on April 27th!

We were able to have meetings with **42 Assembly Representatives** and discuss with them the upcoming **equal parenting/placement legislative effort**. WFCF was proudly represented by Devin Gatton, Alan Frey, Tony Bickel, Rick Frazer, and Kevin and Jennie Monahan were able to meet with the 42 Representative at the Capitol. Very long day, but much was accomplished. We let the representatives know who **WFCF** is, and what we do to help fathers and parents. We also provided them with information to let them know why we support an **equal placement presumption** and provided them with information that reinforced that **equal** parenting is best for children.

The bill is looking like it will be released in mid to late summer, with a significant push as soon as the fall legislative session starts. As soon as it is released we will have it posted on our website. We also have the results of a feedback survey with left with each representative as to the level of their support (*or*

2017 will be the year that WFCF will be asking you to stand up and have your voice be heard.

2017 will have at least one, if not two legislative initiatives coming up. With that in mind we will be communicating frequently with all our members and contacts **with updates and specific calls to action.**

We will be asking people to call, email, and personally attend gatherings to send a clear message that **PARENTAL EQUALITY** is **VERY** important to **MANY PEOPLE...who vote!**

PLEASE strongly consider joining WFCF in taking actions this year!

WFCF will provide support information to help individuals voice a clear and compelling message, that **PARENTAL EQUALITY** is the right thing to do.

WFCF will let you know when the time is right to initiate this contact, and we hope **ALL** of our members and contacts step up to this call to action.

Who We Are & What We Do : We are a group of men and women working to assure every child has the fullest opportunity to experience the love and nurturance of both their father and mother We support the role of responsible fathers in the raising of children. We also educate the public, courts and legislators about the important role **BOTH** parents play in all our children's lives.

16 Factors

cont. from page #2

Additionally, there are valuable co-parenting tools available including but not limited to "Our Family Wizard". This communication tool while subscription based (\$99.00-\$119.97) annual per parent, with the option to pay for the other parent at the same time, there are also discounts if you subscribe for two years up front) this tool is currently being ordered in contested cases by Family Court Judges in all 50 states, , and the companies statistics show that families who use the **Our Family Wizard** website/mobile app do not return to court nearly as often and in some cases ever. WFCF believes that this tool in specific is a worthwhile investment for parents who experience communication problems with their child (ren)'s other parent.

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16 Factors*cont. from page 6*

Think about it the more expensive plan is less than \$0.33 per day, even if you volunteer to or are ordered to pay for the other parent's account it is still less than \$0.70 per day. We cannot nor should not try and control the other parent. You are separated for a reason whether with or without fault, your only real concern with the other parent should be successfully co-parenting your shared child(ren). I for one would have happily made that minimal investment to take the emotion out of communication with the my children's mother and reduce frustration. Specific information about how this tool is helpful for co-parenting please visit <https://www.ourfamilywizard.com/co-parenting>. This tool encourages responsible and respectful communication between parents and everything is secure and cannot be tampered with, everything is date and timed stamped and tied to the parent who made the entry, etc. it even tracks how long it takes for the other parent to respond which if necessary can show lack of cooperation in regards to co-parenting.

WFCF will over the course of the next several months be conducting research on the various co-parenting course options available, if you have taken a co-parenting class or have any knowledge of these programs, or would like to be involved in this please email wfcf.initiatives@outlook.com with any information you wish to contribute.

I'm at a loss how number 11 could be measured, quantified, or how it could hold parents accountable for actions that are detrimental to children. Unfortunately, parents who are potentially violating this probably don't feel that they are not acting in the best interest of their child, because they probably feel that in their eyes they are doing what is best for the child. This factor requires intervention from the "non-offending" parent by filing of a Notice of Hearing and Motion to Enforce Physical Placement Order and it is the responsibility of the Court to hold "offending" parent responsible for violating a Court Order for not acting in the child (ren)'s best interest. Kids should never be put in the middle of situations between parents, these are adult matters that kids should not be involved in.

ally stop the manipulation and games if the "offending" parent knew that this type of behavior would not be tolerated and they will be held accountable. Kids should never be put in the middle of situations between parents, these are adult matters that kids should not be involved in.

#6 The age of the child and the child's developmental and educational needs at different ages

I think this is an antiquated factor that was established back when the typical family structure was one where Dad worked and was the primary breadwinner and Mom "managed" the house and raised the kids, perhaps held a part-time job. Certainly, times have changed, and today most "intact" households are dual income and there is no role now that is only suitable for one sex parent or the other. Mom's take kids fishing, and Dad's carry the infants in the harness and change the diapers in the men's restroom - that has the changing tables built into the wall! There are numerous statistics and studies available today that show how important it is to a child's development and education that both parents are involved in these aspects of their child's life.

Lastly and certainly not least: **# 3 - The amount and quality of time that each parent has spent with the child in the past, any necessary changes to the parents' custodial roles and any reasonable life-style changes that a parent proposes to make to be able to spend time with the child in the future.** Initially my reaction to this was strongly opposed based on the implication that it would not be necessary for both parents to make modifications to their routines, schedules and lives in general, and that everything that was their parental roles will remain the same as when the parents were together.

When people separate many things change for both, and what were shared parental responsibilities in the family home will now be individual parental responsibilities for BOTH parents during their periods of physical placement. DO A COMPREHENSIVE PARENTING PLAN. We all should be able to agree that the purpose of the parenting plan is make sure that everyone is confident that this plan is a viable solution that will adequately and appropriately meet all of the child(ren)'s needs.



Wisconsin Fathers for Children and Families

P.O. Box 1742
 Madison, WI 53701-1742
<http://www.wisconsinfathers.org>

Return Service Requested

WFCF Membership Form

Name:

Address:

City, State, Zip Code :

Phone:

E-mail:

Please enclose \$30 for a lifetime membership

Fathers Night Out

Support and Social Meeting

- Milwaukee:** Milwaukee area meetings are held the *second Tuesday of the month* 7:15 PM at:
BAR LOUIE, 5750 Bayshore Dr., Glendale, WI 53217
- Madison:** Madison area meetings are held the *third Monday of the month* 6:15 PM at:
World Buffet, South Town Mall, 2451 West Broadway, Monona, WI 53713
- Fox Valley:** Fox Valley area meetings are held the *third Tuesday of the month* 6:30 PM at:
5th Quarter, 2101 American Dr, Little Chute, WI 54140
- Central WI:** Central WI area meetings are held the *second Monday of the month* 7:30 PM at:
Korner Kitchen, 4890 Hwy H, Edgar, WI 54426
- NW WI:** Northwest WI area meetings are held the *third Thursday of each month* 7 PM at:
Milwaukee Burger Company, 2620 E Clairemont Ave, Eau Claire, WI
- Janesville:** Beloit/Janesville area meetings are held the *first Tuesday of the month* 7 PM at:
World Buffet, 2701 Milton Ave, Janesville, WI
- La Crosse:** La Crosse area meetings are held the *second Thursday of the month* 6:30 PM at:
Sheninigans, 2100 Dawson Ave, La Crosse, WI
- Racine:** Racine/Kenosha area meetings are held the *third Friday of the month* 7:30 PM at:
Asian Buffet, 3701 Durand Ave, Racine, WI
- Fond du Lac:** Fond du Lac area meetings are held the *second Monday of the month* 6:30 PM at:
Schmitt's Oar House Bar and Grill, N7044 Winnebago Dr, Fond du Lac, WI

Visit: www.wisconsinfathers.org