

Affidavit and Order to Terminate Income Assignment for Child Support

P-3113

This form is used to inform the court, the other party, and the State (if a party) that you are requesting to stop the income assignment for child support because the youngest or only child has turned 18 and graduated (or will) before May 31st. **If you do not complete this form, the current income assignment for child support will end on May 31st following the child's 18th birthday.**

This request does NOT require that you or the other party appear in court. You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as court staff, including those in the Court Self-Help Center, cannot give legal advice.

Court Related Offices		
Court Self-Help Center Courthouse, Room C-108 262-548-7524 Open: Mon 8:30 am - 12:00 pm Wed 12 pm - 4 pm Fri 8:30 am - 4 pm Tues & Thurs by Appointment only	Child Support Agency Administration Building, Room 348 262-548-7420 Open: Mon-Fri 8 am - 4:30 pm	Clerk of Courts Family Court Office Courthouse, Room C-112 262-548-7544 Open: Mon-Fri 8 am - 4:30 pm
Waukesha County Courthouse, 515 W. Moreland Blvd, Waukesha, WI 53188		
Copies can be made in the Court Self-Help Center for \$.15 per page		

Procedural Checklist

1. Complete the **Affidavit and Order to Terminate Income Assignment for Child Support**.
2. Go to the Court Self-Help Center to have your forms notarized, reviewed for completeness, and copied, if needed. The court requires that you have the original and four (4) copies of the form and supporting documents (5 copies if the State is a party).
3. Before filing with the court, send a copy of the form and all supporting documents to the other party and to the Waukesha County Child Support Division, if it is a party.
4. Prepare two (2) **stamped** envelopes. Address one to you and one to the other party.
5. Go to the customer service window of the Family Court Office to file the original, the remaining copies, and the envelopes.

6. The court will hold the documents for five days to wait for an objection, review the documents, and either:

approve and send each party a copy of the signed Affidavit and Order (if you provided the self-addressed stamped envelopes). It will become part of the official court record and the income assignment for child support will terminate accordingly.

Or

not approve and provide an explanation.

In re the Marriage Paternity of _____:
(initials)

Petitioner / Joint Petitioner

and

Respondent / Joint Petitioner

STATE OF WISCONSIN is NOT a party
 STATE OF WISCONSIN IS a party

Affidavit and Order to Terminate Income Assignment for Child Support for Last or Only Child

Case # _____

AFFIDAVIT

Mark with an X if you are the mother or father.

Enter the date [month day, year] the child support was ordered and the amount that you are supposed to pay each month.

Enter the date [month day, year] the child turns 18.

Enter the actual or anticipated date of graduation.

You must obtain and attach proof from the child's school that he/she has or will graduate and the date that the school anticipates him/her to graduate.

You must send a copy to the other party(s) before you file it with the court. Mark the box and enter the date [month day, year] you will be providing the copies to the other party(s).

1. I am the **Mother** **Father** in this case.
2. I was ordered on _____, _____ to pay child support in the amount of \$_____ **per month**.
3. Under the rules of the Waukesha County Family Division, the current income assignment for child support will not terminate until May 31st following the date when the last or only child turns 18.
4. The last or only child in this case has or will turn 18 on _____, 20____ and has graduated or is anticipated to graduate on _____, 20____, both of which occur before May 31st. I understand that I am not obligated to continue to pay child support once the child turns 18 and graduates, therefore this affidavit is made in support of my request to terminate the current income assignment for child support on the date of graduation or the child's 18th birthday, **whichever is later**.
5. **Attached is proof from the school of the child's anticipated or actual graduation date.**
6. **Before** I filed this with the court, I will on _____, 20____ provide a copy of this **Affidavit and Order** and required attached documents to the other parent, and to the Waukesha County Child Support Division, if the State is a party to the action, **for review under the five-day rule**.

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

Have the Notary Public sign, date, and seal the document.

 Signature

 Name Printed or Typed

 Date

Subscribed and sworn to before me on _____

 Notary Public, State of Wisconsin

My commission expires: _____

(Seal)

ORDER

IT IS HEREBY ORDERED that the income assignment for the payer's current child support obligation shall terminate as set forth in the above **Affidavit to Terminate Income Assignment for Child Support for Last or Only Child** on _____, 20__.

For Court Use Only

IT IS FURTHER ORDERED that any income assignment shall remain in place until all arrears, debts, costs, and fees are paid in full, unless there is an Order that directs a different payment plan.

IT IS FURTHER ORDERED that both parents shall notify the Clerk of Courts and the Waukesha County Child Support Division within ten (10) days of any change of address or change of employers. Send notice to:

Clerk of Circuit Court		Waukesha County Child Support Division
Family Court Division	AND	Administration Center, Room 346
PO BOX 1627		1320 Pewaukee Road
Waukesha, WI 53187-1627		Waukesha, WI 53188

BY THE COURT:

For Court Use Only

 Circuit Court Judge/Circuit Court Commissioner

 Print or Type Name

 Date

RULES OF THE WAUKESHA COUNTY CIRCUIT COURT FAMILY COURT DIVISION

Rule 3.2 Vacation or Maintenance of Income Assignment after 18th Birthday of Child

For cases involving a single child, or one remaining minor child, any order for income assignment for current child support shall be terminated once the child turns 18 years of age and has graduated from high school or age 19 if the child is pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent. Unless an Order exists which provides a specific date for termination of child support, the following shall apply:

- a. Any income assignment for current child support shall be terminated on May 31st following the last remaining child's 18th birthday.
- b. If the child is still pursuing a high school education, any party may file a written request with the court including an affidavit with proof of the child's continued high school enrollment and date of anticipated graduation. Such request and affidavit shall be provided to any other party. Upon receipt of such request with report of notice, and expiration of the time to object under the local five-day rule, the income assignment for current child support will be continued through the anticipated date of graduation.
- c. Where the remaining child has turned 18 years of age and has or is about to graduate from high school, to terminate the current child support income assignment, a party may file a request with an affidavit containing proof of the child's graduation (e.g. copy of diploma or letter from the school regarding date of graduation or anticipated graduation). Such request and affidavit shall be provided to any other party. Upon receipt of such request with report of notice, and expiration of the time to object under the local five-day rule, then the income assignment for current child support will be terminated upon that graduation date.

Although an income assignment for current child support may be terminated, an income assignment shall continue in effect until any arrearage is paid in full pursuant to section 767.265(1m) Wis.Stats., unless there is an Order that directs a different payment plan on arrears.

This rule does not alter any order for the payment of child support, but only affects issuance and vacation of income assignments.

This rule does not apply where there continues to be one or more children under the child support order. For cases involving multiple children under the age of 18, modifications of any income assignment must be done by court order.