

3/10/95
DKK
STATE OF WISCONSIN

CIRCUIT COURT
FAMILY COURT BRANCH

WINNEBAGO COUNTY

LS MW
51,138
A
5p.
1017275
(143 pp.)

In Re the Marriage of:

DEBRA A. VAN PRICE,

Petitioner,

and

ROBERT A. VAN PRICE,

Respondent.

RECEIVED
NATIONAL
FOR CHILDREN

NOTICE OF MOTION
AND MOTION FOR
REVIEW OF THE
DECISION OF THE FAMILY
COURT COMMISSIONER AND
OF MOTION TO REOPEN THE
JUDGMENT & Affidavit in Support

Case No. 81-FA-31

WINNEBAGO COUNTY

TO: Robert A. Van Price
731 3rd Street
Menasha, WI 54952

Karen L. Seifert, Attorney
Winnebago County Child Supp., ~~~#\$@\$OuR~
Winnebago County Courthouse, Rrnlft rs: i- i-
415 Jackson Street >Gkil i: i: i: i:
PO Box 2808 a- 1
Oshkosh, WI 54903-2808

1. These motions will be heard as follows:

BEFORE: Honorable Thomas S. Williams

PLACE: Winnebago County Courthouse, Rm 240
415 Jackson Street
Oshkosh, WI 54903

DATE: March 21, 1995

TIME: 3:00 p.m.

2. Pursuant to §767.13(6), Stats. and s767.32, Stats., the
Petitioner, Debra A. Van Price, will move for a review of the
Family Court Commissioner's decision on her motion for revision
of the child support judgment in the above-entitled matter.
Petitioner moves that her child support "be reduced to zero
weekly, or set at 25% of her gross income when such income
exceeds the federal poverty guidelines."

3. Pursuant to g806,07(1)(a) and (1)(h), the petitioner
will move to vacate the child support judgment and for an order

to reopen the judgment back to November 1, 1991, the date of petitioner's disability, affecting the arrears or, in the alternative, an order to reopen the judgment back to a year from the date this motion was filed. Because this motion concerns the Court's previous orders, the Family Court Commissioner declined to rule on it and referred the parties to this Court to hear the matter.

4. The basis for these motions is set forth in the attached affidavit.

5. Notification is hereby given as required by §767.32(5), Stats., of the availability of information set forth in §767.081(2), Stats., from the family court commissioner.

If you object to the orders requested in this motion, you are expected to attend the hearing and make your objection known to the Court.

If you fail to attend the hearing, the Court may go ahead without you and has the power to make the orders requested in this document.

Dated this 16th day of February, 1995.

LEGAL SERVICES OF NORTHEASTERN
WISCONSIN, INC.
Attorneys for Petitioner

By: Karen S. Roehl, L & - L, P
Karen S. Roehl
Attorney at Law
State Bar No. 1001508

404 North Main Street, #702
Oshkosh, WI 54901
414-233-6521

STATE OF WISCONSIN

CIRCUIT COURT
FAMILY COURT BRANCH

WINNEBAGO COUNTY

In Re the Marriage of:

DEBRA A. VAN PRICE,

Petitioner,

and

ROBERT A. VAN PRICE,

Respondent.

AFFIDAVIT IN SUPPORT
OF MOTION FOR REVISION
OF JUDGMENT AND OF
MOTION TO REOPEN
THE JUDGMENT-

Case No. 81-FA-31

~~~~~

STATE OF WISCONSIN :

: ss

COUNTY OF WINNEBAGO:

KAREN S. ROEHL, states as follows:

1. I am the attorney for the Petitioner, Debra A. Van Price, in the above-referenced case.

2. On January 10, 1989, nunc pro tunc December 20, 1988, an Order was entered in this case, requiring the petitioner to pay \$50.00 per week for child support.

3. On July 14, 1992, an Order was entered further providing for a wage assignment of 25% of petitioner's gross earnings.

4. Subsequent orders have continued these child support-obligations, most recently the March 16, 1994 Order.

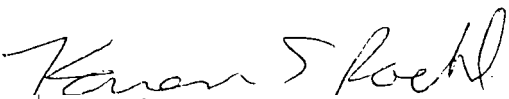
5. My client, Debra A. Van Price, is disabled and became eligible for Supplemental Security Income benefits as of November 1, 1991. This is her only current income. Her monthly benefit is \$541.78. (See attached statement from Terry Lichtenberg, Assistant Manager, Oshkosh Social Security Administration Office)

6. Based upon information and belief, there has been the following significant changes: a) in #June of 1994, the petitioner was found to be under a continuing disability and eligibility for SSI benefits; b) in November of 1994 the petitioner reinjured her shoulder; c) in November of 1994, she was laid off from a short-term job; d) her income is below the federal poverty guidelines established by 42 U.S.C. 9902(2) and insufficient to meet her subsistence needs; e) respondent's income has increased; and f) respondent is no longer receiving Aid to Families with Dependent Children.

7. Based upon information and belief, due to her limited income and necessary expenses, she cannot afford to pay \$50.00 per week for child support.

8. Pursuant to 549.41, Wis. Stats., HSS §80.129(13), Wis. Adm. Code, 42 U.S.C. §407, and Langlois v. Langlois, 150 Wis. 2d 101, 441 and 286 (Wis. App. 1989), SSI benefits are not available for child support purposes, and any obligation is contrary to state and federal law.

Dated this 26-h day of January, 1995.

  
Karen S. Roehl  
Attorney for the Petitioner

Subscribed and sworn to before me  
this 26th day of January, 1995.

Jennie Higgins  
Notary Public, State of Wisconsin  
My commission CI1M\, i+] /Gib

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

---

304 Otter Avenue  
Oshkosh, WI 54901-5098  
January 13, 1995

Phone: (414) 236-3942

Karen Roehl  
Northeastern Wisconsin Legal Services

RE-11-20

JAN 13 1995

COMMUNICATIONS SECTION

Dear Karen:

Re: Debra Van Price, 308-66-5539

This is to confirm that Debra Van Price had her SSI disability reexamined in June, 1994 and was found to be still disabled.

Her benefit rate is \$541.78 monthly.



Terry Lichtenberg  
Assistant Manager