

**COURT OF APPEALS
DECISION
DATED AND FILED**

August 3, 1999

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

No. 98-1529-FT

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT I**

IN RE THE PATERNITY OF JONATHAN E.I.:

CLAUDIA I.,

PETITIONER-APPELLANT,

v.

JOHN F.M.,

RESPONDENT-RESPONDENT.

APPEAL from a judgment of the circuit court for Milwaukee County: JOHN E. McCORMICK, Judge. *Affirmed.*

Before Wedemeyer, P.J., Fine and Schudson, JJ.

PER CURIAM. Claudia I. appeals from the trial court's judgment dismissing a paternity action against John F.M. The issue is whether the trial court lacked personal jurisdiction over John F.M. By this court's order dated

February 1, 1999, this case was submitted to the court on the expedited appeals calendar. *See* RULE 809.17, STATS. We affirm.

On August 30, 1979, Claudia I. gave birth to a son in California. She moved to Wisconsin with her child shortly thereafter. On August 13, 1997, almost eighteen years later, she filed a paternity action against John F.M., a California resident who has never been to Wisconsin. On October 22, 1997, John F.M. voluntarily submitted to a blood test in California that showed that there was a 99.99% chance that he was the father of the child. On January 8, 1998, John F.M. moved to dismiss the paternity action for lack of personal jurisdiction. The trial court dismissed the case.

Section 769.201(2), STATS., provides that a court of this state may exercise personal jurisdiction over a nonresident individual to determine parentage if “[t]he individual submits to the jurisdiction of this state by consent, by entering a general appearance or by filing a responsive document having the effect of waving any contest to personal jurisdiction.” Section 769.201(5) provides that personal jurisdiction may be exercised over a nonresident individual to determine parentage if “[t]he child resides in this state as a result of the acts or directives of the individual.”

We conclude that the trial court did not have personal jurisdiction over John F.M. He did not consent to the jurisdiction of the court, enter a general appearance, or file a responsive document in this action except for his motion to dismiss for lack of personal jurisdiction. *See* § 767.201(2), STATS. Although Claudia I. argues to the contrary, John F.M. did not “consent to the jurisdiction of the court” by voluntarily submitting to a blood test in California. That test was not ordered by the court and did not invoke the court’s jurisdiction. By the same

token, we reject Claudia I.'s argument that the court had jurisdiction over John F.M. because "[t]he child resides in this state as a result of [his] acts or directives." *See* § 767.201(5). John F.M. was not even aware of the child's existence for eighteen years. Therefore, the child has not lived in this state as a result of his "acts or directives." We affirm the trial court's judgment dismissing this case.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

