

Divorce/Legal Separation Procedural Checklist

1. Decide How You Will File

Alone: Complete a

- **Summons** form FA-4104V w/children, FA-4105V w/out children
- **Petition** form FA4108V w/children, FA-4109 V w/out children
- **Confidential Petition Addendum** form GF-179

Jointly: Complete a

- **Joint Petition** form FA-4110V w/children, FA4111V w/out children
- **Confidential Petition Addendum** form GF-179

2. Decide If You Need a Temporary Hearing

A temporary order addresses day-to-day issues while a divorce case is pending. These orders are temporary, in the sense that they are meant to make an immediate decision to manage issues pending the final divorce hearing. While still temporary, these are still court orders and will be enforced as such.

If Yes, complete the following form(s):

- **Order to Show Cause** (Form FA-4128VB w/children, FA-4129VB w/out children)
- **Affidavit to Show Cause for Temporary Order** (Form FA-4128VA w/children, Form FA-4129VA w/out children)

These form(s) provide a place for the court to assign a Temporary Hearing date. Upon filing the Order to Show Cause and Affidavit for Temporary Order a Temporary Hearing date will be scheduled.

If NO, skip to #3

3. File the Action

A. Complete the documents listed below and bring the original completed documents to the Dunn County Clerk of Courts office:

Filing Alone

- **Summons** form FA-4104V w/children, FA-4105V w/out children
- **Petition** form FA4108V w/children, FA-4109 V w/out children
- **Confidential Petition Addendum** form GF-179
- **Order to Show Cause and Affidavit for Temporary Order (If needed)**
- **Divorce Annulment Worksheet**

OR

Filing Jointly

- **Joint Petition** form FA-4110V w/children, FA4111V w/out children
- **Confidential Petition Addendum** form GF-179
- **Order to Show Cause and Affidavit for Temporary Order (If needed)**
- **Divorce Annulment Worksheet**

B. The Clerk of Courts office will collect the \$184.50 filing fee (if there are no minor children or there is not a request for maintenance) or the \$194.50 filing fee (if there are minor children or there is a request for maintenance).

If you cannot afford the fees, and consider yourself indigent (low income), you may obtain a **Petition for Waiver of Court Costs and Fees** at the Clerk of Courts Office. Once completed and notarized the party takes the waiver form to the Clerk of Court Office. The Clerk of Court Office will have a Judge review the form when available. Once reviewed, the form will be returned for filing to the Clerk of Courts office. The Clerk of Courts Office will notify the party if the form is approved or denied. If parties file jointly, each party is required to complete a Petition for Waiver of Court Costs and Fees.

- The clerk will keep the original documents and return the necessary copies to you for distribution as follows:
 - 3 copies to the Petitioner. Petitioner will keep 1 copy for their records, 1 copy for service and the last copy is for the other party to keep.
 - If parties file jointly, each party will receive a copy for their own records.

4. Deliver (or serve) copies of the documents to those who must receive them
*(See the **Service Packet**, form FA-5000V for Additional Information)*

A. Have your spouse served with the following documents (if not filing jointly):

- Filing Alone**
- **Summons**
 - **Petition (including Confidential Petition Addendum)**
 - **Financial Disclosure Statement**
 - **Proposed Parenting Plan when filing with Children**
 - **Order to Show Cause and Affidavit for Temporary Order, only if you need a Temporary Order hearing**

- B. Obtain a completed and signed **Affidavit of Service** form (proof of service) from the individual who served your spouse or an **Admission of Service** form (proof of service) signed by your spouse.
- C. File Proof of Service with the Clerk of Courts office.

5. Obtain a Temporary Order (if needed)

If you completed the Order to Show Cause and Affidavit for Temporary Order you must attend the Temporary Hearing you requested to have a temporary order issued.

If you and your spouse reach an agreement, you can complete and file a written stipulation (agreement) for a temporary order.

If you and your spouse don't believe it is necessary to have a formal temporary order, you may ignore this step at this time. If the situation changes before the final hearing, either spouse may seek a temporary order.

By Temporary Hearing

1. Prepare and take the following items to court on the Temporary Hearing date:

- **Wage statements**
- **Completed financial disclosure forms**
- **Income tax returns**
- **List of disputed items**
- **Parenting plan**

Directions to Dunn County Judicial Center:
 615 Stokke Parkway Menomonie, WI 54751

2. A clerk completes the order during the hearing on a standard order form. This order will remain in effect until the divorce or legal separation is final, or otherwise modified by the court.

By Stipulation

1. Complete the **Stipulation for Temporary Order**.

2. Both you and your spouse, and the Child Support Agency if you are receiving public assistance, must approve and sign the form.

3. Send or deliver the original and of the following documents to the

- **Stipulation for Temporary Order**

4. Once filed, a Court Official will review the Stipulation. The Clerk of Circuit Court will mail a copy back to you.

6. If There Are Minor Children, Complete Any Required Parenting Programs and File Any Required Parenting Plans

At the time of filing or when you obtained a court date, you may have been notified that there is a requirement to attend a parenting education class or complete a Proposed Parenting Plan. If so, make sure you have done what is required.

7. Obtain a Date and Time for the Next Hearing

A. *If you are proceeding pro se or without an attorney and you did not file a joint petition:*

You will receive a Pre-Trial Conference date before the Court Commissioner by mail once you have filed **Proof of Service** with the Clerk of Courts office. At the pre-trial conference date and time, the Court Commissioner will review the documents necessary for you to obtain your Final Hearing. **You will be required to complete these forms and bring them to the Pre-Trial Conference:**

- Financial Disclosure Statement (Form FA-4139)
- Parenting Plan (*if filing with children*) (Form FA-4147)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151V w/out children)
- Findings of Fact, Conclusions of Law Judgment (Form FA-4160VB w/children, Form FA-4161VA w/out children)

B. *If you filed a joint petition:*

You will receive a Pre-Trial Conference date before the Court Commissioner by mail after you have filed your joint petition. Normally you will receive this date within 45 days of filing for divorce/legal separation. At the pre-trial conference date and time the Court Commissioner will review the documents necessary for you to obtain your Final Hearing. **You will be required to complete these forms and bring them to the Pre-Trial Conference:**

- Financial Disclosure Statement (Form FA-4139)
- Parenting Plan (*if filing with children*) (Form FA-4147)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151 w/out children)
- Findings of Fact, Conclusions of Law Judgment (Form FA-4160VB w/children, Form FA-4161VA w/out children)

C. *If you are represented by an attorney:*

You will receive a Scheduling Conference date once you have filed **Proof of Service** with the Clerk of Courts office (if you did not file a joint petition). If you filed a joint petition, you will receive a Scheduling Conference date by mail after 45 days from filing for divorce/legal separation.

8. Complete Your Paperwork for the Final Hearing

A. If you haven't already, you must **complete** the following documents and file with the Clerk of Courts office at least one day **prior to your final hearing:**

- **Completed / updated financial disclosure statements** (Form FA-4139)
- **Attendance certificate from parent education class, if filing with children**
- **Marital Settlement Agreement** (Form FA-4150V w/children, Form FA-4151V w/out children)
- **Findings of Fact, Conclusions of Law & Judgment** (Form FA-4160VB w/children, Form FA-4161VA w/out children)
- **Divorce/Annulment Worksheet** (Dept. of Vital Records F-05080)
- **Proposed Parenting Plan, if filing with children** (Form FA-4147V)

9. Attend Your Final Hearing

- A. Go to the assigned courtroom at least 10 minutes before your court time and let the bailiff or court clerk know for which case you are appearing (you may want to go even earlier to observe another hearing). Be prepared with all your copies and documents and be polite to the court official, your spouse, or any other person that is in the courtroom.
- B. When your case is called, go to the front of the room and sit where directed by the court or the bailiff. Bring any papers and documents with you that are related to the hearing.
- C. Be prepared to testify under oath and answer questions that may be asked of you by the Court or your spouse. If you wish to offer written evidence or documents to the court, give the original to the court and a copy to your spouse.

10. Complete Any Other Documents Required After Your Final Hearing

Parties will receive a certified copy of the Findings of Fact, Conclusions of Law and Judgment and attached Marital Settlement Agreement forms once they are filed with the Court and after the Final Hearing has concluded. These documents will be distributed to the parties by mail.

These documents serve as your final divorce papers and you must keep them for your records as proof of the divorce.

If you agreed to exchange certain types of property you may be required to follow up with different government offices and businesses with certain paperwork. For example, you may need to sign car titles and real estate deeds, complete documents to divide pension plans (QDRO), change beneficiaries on life insurance policies, revise your will, and other matters when appropriate.

Court forms can be found online at: <https://www.wicourts.gov/forms1/circuit/index.htm> then click on Family

**Forms can be completed online thru the Forms Assistant:
<https://www.wicourts.gov/services/public/selfhelp/divorce.htm>**