

# 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):

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

The filer must bring the original document to the Clerk of Courts office for filing and two copies. *Failure to bring two copies of the complete documents will result in the filer paying for copies at the Clerk of Courts office.*

**If NO,** skip to #3

## 3. File the Action

- A. Complete the documents listed below. Make two copies of the completed documents, one copy is for your records, the other copy is for the other party. The original will be filed with the Dunn County Clerk of Courts office. *Failure to bring two copies of the complete documents will result in the filer paying for copies at the 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
- **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
- **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.

**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 do not 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** and completed and filed these forms with the Clerk of Courts office:

- Financial Disclosure Statement (Form FA-4139V)
- Proposed Parenting Plan (*if filing with children*) (Form FA-4147V)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151V w/out children) (*Complete this form if you have an agreement*)

At the pre-trial conference date and time, the Court Commissioner will review the documents listed above that you have completed and filed with the Clerk of Courts office. If additional documents or information is needed, you will be directed to complete it prior to obtaining your divorce hearing date. Once the required documents have been filed and reviewed with the Court Commissioner, they will recommend scheduling for a final divorce hearing.

B. *If you filed a joint petition:*

You will receive a Pre-Trial Conference date before the Court Commissioner by mail once you have completed and filed these forms with the Clerk of Courts office within 45 days from filing your joint petition:

- Financial Disclosure Statement (Form FA-4139V)
- Proposed Parenting Plan (*if filing with children*) (Form FA-4147V)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151 w/out children) (*Complete this form if you have an agreement*)

At the pre-trial conference date and time, the Court Commissioner will review the documents listed above that you have completed and filed with the Clerk of Courts office. If additional documents or information is needed, you will be directed to complete it prior to obtaining your divorce hearing date. Once the required documents have been filed and reviewed with the Court Commissioner, they will recommend scheduling for a final divorce hearing.

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

You will receive the next hearing date once you have filed **Proof of Service** with the Clerk of Courts office (if you did not file a joint petition) and complete and filed these forms:

- Financial Disclosure Statement (Form FA-4139V)
- Proposed Parenting Plan (*if filing with children*) (Form FA-4147V)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151V w/out children) (*Complete this form if you have an agreement*)

If you filed a joint petition, you will receive the next hearing date once you have completed and filed these forms with the Clerk of Courts office within 45 days from filing your joint petition:

- Financial Disclosure Statement (Form FA-4139V)
- Proposed Parenting Plan (*if filing with children*) (Form FA-4147V)
- Marital Settlement Agreement (Form FA-4150V w/children, Form FA-4151V w/out children) (*Complete this form if you have an agreement*)

## **8. Obtaining Final Hearing Date**

The Clerk of Courts office will mail you a Notice of Hearing with your final divorce hearing date and time on it. ***Failure to complete the necessary court forms in a timely manner may delay your final divorce date.***

## **9. Attending Your Final Hearing**

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.

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.

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.

**PARTIES MUST FILE THE ORIGINAL WITH THE CLERK OF COURT OFFICE AND BRING TWO COPIES OF THE DOCUMENT TO THE CLERK OF COURTS OFFICE. FAILURE TO BRING IN COPIES OF DOCUMENT FILE, WILL RESULT IN THE FILER PAYING FOR COPIES OF THE FILED DOCUMENT.**

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>