

## **Family Law Information Center - Pro Se Divorce with Minor Children**

This document serves as an overview of the divorce forms. The information contained in this packet does not constitute legal advice. Each divorce, legal separation or post-judgment action may be different and you should consult an attorney concerning specific issues in your case. If you have any questions, please contact Justiceworks, Ltd. at 715-344-3677.

### **STEP 1: FILING, SERVICE & ESTABLISHING A TEMPORARY ORDER**

#### **A) FILING YOUR CASE**

- Complete the appropriate JOINT PETITION (FA-4110) or PETITION (FA-4108) and SUMMONS (FA-4104)
- Complete CONFIDENTIAL PETITION ADDENDUM (GF-179)
- Complete the ORDER TO ATTEND EDUCATIONAL PROGRAM ON THE EFFECTS OF DISSOLUTION ON CHILDREN
- After you have completed the above documents, make 5 copies. *PLEASE NOTE THAT THE PETITION OR JOINT PETITION WILL NEED TO HAVE A NOTARIZED SIGNATURE.*
- File the original documents and copies with the Portage County Clerk of Courts. After the filing fee is paid, the clerk will filestamp the original and the copies. This is *authenticating* the copies. A court case number will be assigned to the filing.
- The originals will stay with the clerk and become the court documents of record. The filestamped or authenticated copies are to be distributed to all parties with an interest in the case. Identical sets of paperwork should be distributed to each litigant and Child Support Services if minor children are involved.

#### **B) SERVICE**

- See Wisconsin Service Instructions (FA-5000) for help with service. **Note: If you have filed a JOINT PETITION, service on your spouse is not necessary.**
- Your Spouse:**
  - Serve authenticated copies of the PETITION and SUMMONS along with:
  - Blank FINANCIAL DISCLOSURE STATEMENT
  - Authenticated ORDER TO ATTEND EDUCATIONAL PROGRAM ON THE EFFECTS OF DIVORCE ON CHILDREN with program brochure.
  - Authenticated ORDER TO SHOW CAUSE AND AFFIDAVIT FOR TEMPORARY ORDER (FA-4128) (if applicable)
  - After Service has been completed, file proof of service with Clerk of Courts
- Child Support Services:**
  - Serve authenticated copies of the PETITION AND SUMMONS *OR* JOINT PETITION and CONFIDENTIAL PETITION ADDENDUM along with:
  - INFORMATION SHEET FOR CHILD SUPPORT SERVICES
  - ADMISSION OF SERVICE (FA-4119)
  - Have Child Support Services sign the ADMISSION OF SERVICE. Make copies of signed Admission of Service and file with Clerk of Courts.

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## **C) TEMPORARY ORDER**

The Temporary Order sets the guidelines and rules for mutual property, custody and placement that each party must follow during the process of the divorce. Additional filing fees are not required for stipulation or motion for a temporary order.

- If you and your spouse agree on the issues, complete the STIPULATION FOR TEMPORARY ORDER (FA-4126). After you have completed and signed the Stipulation, deliver it to Portage County Child Support Services for approval and signature. The Stipulation will then be delivered to the Family Court Commissioner for approval and signature.
- After the Family Court Commissioner has signed the Stipulation, make 5 copies and follow the filing instructions as listed in STEP 1. Distribute the copies to all parties with an interest in the case.

### **OR**

- If you and your spouse do *NOT* agree on these terms and conditions, you may fill out an ORDER TO SHOW CAUSE AND AFFIDAVIT FOR TEMPORARY ORDER (FA-4128). To complete the Order to Show Cause, you must first contact the Family Court Commissioner to obtain a hearing date.
- After you have completed the document, make copies, file the originals with the Clerk of Courts Office and serve an authenticated copy to your spouse.

### **TEMPORARY ORDER HEARING**

- The FINANCIAL DISCLOSURE STATEMENT must be completed and filed prior to any Temporary Order Hearing. Temporary Order Hearings are held before the Family Court Commissioner.
- If child support and /or related provisions have been ordered, complete and file the INTERIM SUMMARY FOR CHILD SUPPORT.
- Complete a Temporary Order. Deliver it to the Family Court Commissioner for approval and signature. After the Family Court Commissioner has signed the Temporary Order, distribute copies to all parties with an interest in the case.

## **STEP 2: FINANCIAL DISCLOSURE AND PROPERTY DIVISION**

### **FINANCIAL DISCLOSURE STATEMENT – 90 DAYS AFTER FILING OR SERVING PETITION**

- Each party must complete a FINANCIAL DISCLOSURE STATEMENT (FA-4139). These forms are detailed and extensive so please take your time reviewing them. Make sure all information is up-to-date and accurate.
- After each party has completed and signed his or her respective Financial Disclosure Statement, make copies for each party and file them as referenced above. The original copies go to the Clerk of Courts and the authenticated copies go to each party.
- Each party should have an authenticated copy of his or her own Financial Disclosure Statement and a copy of the other party's Financial Disclosure Statement.
  - If you completed a FINANCIAL DISCLOSURE STATEMENT for the Temporary Order Hearing, an updated FINANCIAL DISCLOSURE STATEMENT must be completed and filed prior to the final hearing.

### **MARITAL SETTLEMENT AGREEMENT or PROPOSED MARITAL SETTLEMENT ORDER**

- If the parties agree on the marital property division, then the MARITAL SETTLEMENT AGREEMENT (FA-4150) may be completed and filed.
- The MARITAL SETTLEMENT AGREEMENT must be approved by Child Support Services prior to making copies and filing with Clerk of Courts
- If the parties do NOT agree on a settlement, then each party may file an individual PROPOSED MARITAL SETTLEMENT (FA-4152) with the Clerk of Courts in advance of the hearing. The judge may order a new hearing date to review the issues to be decided.

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## **STEP 3: PREPARING FOR FINAL/PRETRIAL HEARING**

- Complete and sign the FINDINGS OF FACT AND CONCLUSIONS OF LAW AND JUDGMENT (FA-4160). Make 3 copies of the original. The presiding judge will sign the original. The copies will be conformed or copied with the judge's signature in the Clerk of Courts office following your hearing.
- If there will be an order for child support, complete the CHILD SUPPORT ATTACHMENT and staple it to the Findings of Fact.
- Complete the ORIGINAL CERIFICATE OF DIVORCE OR ANNULMENT.
- Arrive at the Family Law Information Center 20-30 minutes before your scheduled hearing time. Be well groomed and appropriately dressed.
- Staff at the FLIC will review your paperwork, provide instructions regarding your hearing and then issue the required CERTIFICATE OF READINESS. To receive the CERTIFICATE OF READINESS, the following documentation is required:
  - Financial Disclosure Statements – 1 from each party, up to date and complete
  - Marital Settlement Agreement – signed by both parties
  - Findings of Fact, Conclusions of Law and Judgment – signed by both parties and at least 2 copies
  - Original Certificate of Divorce or Annulment – completed
  - Certificate of Completion of Parents Forever Seminar
- If child support or other financial obligations have been ordered, complete and file the INTERIM SUMMARY FOR CHILD SUPPORT (FA-612).

### **CONTACT & RESOURCE INFORMATION**

- **Family Law Information Center:** Portage County Courthouse, 2<sup>ND</sup> Floor. Phone: 715- 344-3677
- **Portage County Clerk of Courts:** Portage County Courthouse, 2<sup>ND</sup> Floor. Phone: 715-346-1364
- **Director Family Court Services/Family Court Commissioner:** Clerk of Courts Office. Phone: 715-346-1364
- **Child Support Agency:** 817 Whiting Ave. Stevens Point (Ruth Gilfrey Building). Phone: 715-346-1588
- **Portage County Sheriff's Department:** Phone: 715- 346-1400 for information on service of documents.
- **Wisconsin Court System:** [www.wicourts.gov](http://www.wicourts.gov)
- **Wisconsin State Law Library:** [www.wilawlibrary.gov](http://www.wilawlibrary.gov)
- **Wisconsin Bar Association:** [www.legalexplorer.com](http://www.legalexplorer.com)

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