

STATE OF WISCONSIN

JOINT DIVORCE PACKAGE

UNCONTESTED - ADULT CHILDREN

With or Without Property

Control Number WI-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the Court must be printed on Bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this Joint Divorce Package only when all of the following facts are true;
 - (a) Your marriage is irretrievably broken with no reasonable prospect of reconciliation;
 - (b) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of eighteen (18) and emancipated;
 - (c) You and your spouse agree on all the terms of the divorce
 - (d) You or your spouse has lived in Wisconsin for six months and the county of filing for thirty days immediately prior to filing the divorce.

2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the ***residency requirements*** and appropriate ***grounds for divorce***. These requirements are discussed in detail in their respective sections, below. In addition, you must agree with your spouse to dissolve the marriage, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division.

3. **RESIDENCY REQUIREMENTS:** Wisconsin has residency requirements which require that you or your spouse reside in the State for a minimum of six months and the county of filing for thirty days immediately prior to filing an action for divorce.

4. **GROUND FOR DIVORCE:** The only ground upon which divorce is granted in the State of Wisconsin is an irretrievable breakdown of the marriage of which there is no reasonable prospect of reconciliation.

5. **LEGAL SEPARATION:** Wisconsin permits a judgment of legal separation on the same grounds as for an action for divorce.

This package does not contain forms for a legal separation.

6. **WAITING PERIOD:** Wisconsin law provides that no divorce shall issue until 120 days have elapsed from either the time the defendant is served with the summons, or from the date of filing of a joint petition.

7. **ALIMONY/SUPPORT:** Since this is an agreed upon divorce, you and your spouse will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, the court may order either party to pay the other spouse alimony without regard to fault. Factors the court will consider in determining the amount and duration of the award of support include such things as:
- (a) The financial resources of the party seeking support;
 - (b) The time necessary to acquire sufficient education or training to enable the person seeking support to find appropriate employment;
 - (c) The standard of living established during the marriage;
 - (d) The duration of the marriage;
 - (e) The contribution of each spouse to the marriage;
 - (f) The age, physical and emotional condition of the spouse seeking support, and;
 - (g) The ability of the payor spouse to meet his needs while meeting the needs of the spouse seeking support.
8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. In an action for divorce, the court will first set aside to each spouse that spouse's separate property. The court will then distribute the marital property following the presumption that all marital property should be divided equally. Some of the factors the court will consider in altering the equal distribution of the marital property include:
- (a) The contribution of each spouse to the acquisition of the marital property;
 - (b) The value of each spouse's separate property;
 - (c) The duration of the marriage;
 - (d) The age and health of the parties;
 - (e) The amount and sources of income of each party;
 - (f) The standard of living established during the marriage; and,
 - (g) Any other relevant factor.
9. **NAME CHANGE:** Upon request, the court may order that the wife's maiden or former name be restored.

For more information, see the Wisconsin Divorce Law Summary.

FORMS LIST

This packet contains the following:

1. Joint Petition (**WI-FA-4111**)
2. Financial Disclosure Statement (**WI-FA-4139**)
3. Marital Settlement Agreement (**WI-FA-4151**)
4. Findings of Fact, Conclusions of Law, and Judgement (**WI-FA-4161**)

You must also obtain from the Clerk of Court's office an Order for Appearance form

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Joint Petition (WI-FA-4111)** – The Petition for Divorce is the document by which you and your spouse are asking the court to grant the divorce along with any other relief requested.

2. **Financial Disclosure Statement (WI-FA-4139)** – A statement of all income, expenses, assets, and liabilities. This form is exchanged between spouses to verify full disclosure and filed with the court to assist the judge in making decisions.

3. **Marital Settlement Agreement (WI-FA-4151)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.

4. **Findings of Fact, Conclusions of Law and Judgment (WI-FA-4161)**
 – This document grants the divorce and any other relief requested.

A **Vital Statistics** form must also be obtained from the Clerk of Court after the Judge has approved the divorce.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

- STEP 1:** The parties should complete and file the *Joint Petition (WI-FA-4111)*. While at the Clerk of Court’s office, the parties should obtain two *Financial Disclosure Statements (WI-FA-4139)*. Each spouse receiving one. The wife’s copy is pink, while the husband’s copy is blue. A sample *Financial Disclosure Statement (WI-FA-4139)* has been provided to assist you.
- STEP 2:** Each party must complete and exchange with the other party a copy of the completed *Financial Disclosure Statement (WI-FA-4139)*. After completing these forms and exchanging them with your spouse, the original forms must be filed with the Clerk of Court. The *Financial Disclosure Statements (WI-FA-4139)* must be completed and exchanged at least 10 days prior to the Pre-Trial Conference, but preferably 30 to 45 days prior to the Pre-Trial Conference.
- STEP 3:** After the *Financial Disclosure Statements (WI-FA-4139)* have been exchanged and filed, the parties should complete the *Marital Settlement Agreement (WI-FA-4151)*, making certain to agree to all the terms contained therein.
- STEP 4:** At some point during the required waiting period of 120 days, the clerk will send a Notice of Pre-Trial Conference to both parties, along with a Notice of a Pre-Trial Order. The Notice of a Pre-Trial Order informs both parties of what they must do in preparation for the Pre-Trial Conference.
- STEP 5:** Prior to the Pre-Trial Conference, the *Findings of Fact, Conclusions of Law and Judgment (WI-FA-4151)* should be completed by the parties.
- STEP 6:** The Petitioner should bring the following items to Court for the Pre-Trial Conference:
- (a) The appropriate completed, signed, and dated *Financial Disclosure Statement (WI-FA-4139)*;

- (b) Wage statements showing year-to-date income and deductions, or statements of other sources of income if not employed, for a period of twelve (12) weeks before the hearing;
- (c) Completed *Findings of Fact, Conclusions of Law and Judgment (WI-FA-4161)* form with a copy of the *Marital Settlement Agreement (WI-FA-4151)* attached to each copy; and,
- (e) Two (2) business sized envelopes, one addressed to the Petitioner, one addressed to the Respondent, with appropriate postage on each envelope.

The Respondent must bring the following items to court for the Pre-Trial Conference:

- (a) The appropriate completed, signed, and dated *Financial Disclosure Statement (WI-FA-4139)*;
- (b) Wage statements showing year-to-date income and deductions, and statements of other sources of income if not employed, for a period of twelve (12) weeks before the hearing.

STEP 7: If the parties have agreed to all the terms of divorce and the Judge approves the terms contained in the *Marital Settlement Agreement (WI-FA-4151)*, the Court will grant the divorce at the Pre-Trial Conference.

STEP 8: After the Judge has approved the divorce, the parties should then make four (4) copies of the *Findings of Fact, Conclusions of Law and Judgment* form (WI-FA-4161) and the *Marital Settlement Agreement (WI-FA-4151)*, go to the Family Court Office to complete the Vital Statistics form, and file the original and 3 copies of the *Findings of Fact, Conclusions of Law and Judgment* form (WI-FA-4161) and the *Marital Settlement Agreement (WI-FA-4151)* with the clerk. Parties must also pay the *Findings of Fact, Conclusions of Law and Judgment (WI-FA-4161)* filing fee.

STEP 9: Both parties will receive a copy of the file-stamped *Findings of Fact, Conclusions of Law and Judgment* form (WI-FA-4161) from the court with the Judge's signature after about three (3) weeks from the time it was filed. This document serves as the final divorce paper and must be kept as proof of the divorce.

Notes: When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

This package is a guide and you should complete all forms based upon your situation.

CHECKLIST

- ☐ *Joint Petition (WI-FA-4111)* completed by the parties.
- ☐ *Joint Petition (WI-FA-4111)* filed, filing fee paid. Husband and Wife *Financial Disclosure Statements (WI-FA-4139)* obtained.
- ☐ *Financial Disclosure Statements (WI-FA-4139)* completed and copies exchanged between the parties. After exchanging, original *Financial Disclosure Statements (WI-FA-4139)* filed with Clerk of Court at least 10 days but preferably 30-45 days prior to Pre-Trial Conference.
- ☐ *Marital Settlement Agreement (WI-FA-4151)* completed by the parties.
- ☐ Notice of Pre-Trial Conference mailed to both parties.
- ☐ *Findings of Fact, Conclusions of Law and Judgement (WI-FA-4161)* completed by the parties prior to the Pre-Trial Conference.
- ☐ Petitioner brings the following items to Pre-Trial Conference:
 - (a) The appropriate completed, signed, and dated *Financial Disclosure Statement (WI-FA-4139)*;
 - (d) Wage statements showing year-to-date income and deductions, or statements of other sources of income if not employed, for a period of twelve (12) weeks before the hearing;
 - (e) Completed *Findings of Fact, Conclusions of Law and Judgment (WI-FA-4161)* form with a copy of the *Marital Settlement Agreement (WI-FA-4151)* attached to each copy; and,
 - (e) Two (2) business sized envelopes, one addressed to the Petitioner, one addressed to the Respondent, with appropriate postage on each envelope.

The Respondent brings the following items to Pre-Trial Conference:

- (a) The appropriate completed, signed, and dated *Financial Disclosure Statement (WI-FA-4139)*;

- (b) Wage statements showing year-to-date income and deductions, and statements of other sources of income if not employed, for a period of twelve (12) weeks before the hearing.

- ☐ Divorce granted at Pre-Trial Conference.
- ☐ Parties make four (4) copies of the *Findings of Fact, Conclusions of Law and Judgement* form (WI-FA-4161) and the *Marital Settlement Agreement* (WI-FA-4151), complete Vital Statistics form, and file the original and 3 copies of the *Findings of Fact, Conclusions of Law and Judgment* form (WI-FA-4161) and the *Marital Settlement Agreement* (WI-FA-4151) with the clerk. *Findings of Fact, Conclusions of Law and Judgment* (WI-FA-4161) filing fee paid.
- ☐ File stamped copy of *Findings of Fact, Conclusions of Law and Judgment* (**WI-FA-4151**) received from the Court with Judge's signature.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/WI/WI-004-D.htm>

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES ARE NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.