

Conversion of Legal Separation To Divorce

NOTICE: Family and divorce laws change often. These forms may not be appropriate for all situations. They are intended to be useful in many cases and may have to be changed in some way to fit your case. Talk to a lawyer if you are unsure that these forms are the most appropriate for your situation. **Court staff cannot give legal advice.**

There are two ways to convert a legal separation to a divorce.

1. By Stipulation (the parties agree to convert the legal separation to a divorce)

The **Stipulation and Order Converting Legal Separation to Divorce (FA-4162VA/B)** forms are for parties who have been granted a legal separation, but who agree to convert it to a divorce. As long as both parties agree, there is no waiting period and it can be filed at any time after the legal separation is granted.

2. By Motion (the parties do not agree to convert the legal separation to a divorce)

The **Motion and Order Converting Legal Separation to Divorce (FA-4163VA/B)** forms are for a party who has been legally separated **for at least one full year** and who wishes the legal separation be converted to a divorce without the other party's agreement or signature. This motion can be made by either party.

Once either form is **properly** completed and filed with the court, a Judge shall grant the divorce. The date of the divorce is the date on which the Judge signs the **Order** section of the form. Neither party may remarry anywhere in the world for at least six months from that date.

This documentation does not allow for parties to make changes of any kind to the original legal separation judgment. If you would like to request that the judgment of legal separation be changed in any way, you must file a **Stipulation, Motion, or Order to Show Cause** with the court.

Procedural Checklist

By Stipulation (the parties agree to convert the legal separation to a divorce)

- 1. Complete the **Stipulation and Order Converting Legal Separation to Divorce (FA-4162VA/B)** forms.
- 2. Make three (3) copies of the form [4 copies if the State of Wisconsin (Child Support Agency) is a party].

- 3. Go to the Clerk of Courts office in the county in which the legal separation was granted, complete the **Divorce/Annulment Worksheet** (F-05080) (Vital Statistics), and file the following items:
 - A. Original and copies of the **Stipulation and Order Converting Legal Separation to Divorce**.
 - B. **Two self-addressed stamped** envelopes (one addressed to you and one addressed to the other party). If the State of Wisconsin is a party, include one unstamped envelope addressed to your local Child Support Agency.
 - C. Completed **Divorce/Annulment Worksheet** (F-05080) (Vital Statistics).
- 4. The court will review, sign, and return the **Stipulation and Order** to you and the other party(s). These papers are very important. You must keep them in a safe place, as they will serve as your final divorce papers.

By Motion (the parties do not agree to convert the legal separation to a divorce)

- 1. Complete the **Motion and Order Converting Legal Separation to Divorce (FA-4163VA/B)** forms.
- 2. Make four (4) copies (6 copies if the State of Wisconsin is a party) of the form.
- 3. Mail one copy of the **Motion and Order** to the other party and the Child Support Agency (if the State of Wisconsin is a party to the action).
- 4. Complete an **Affidavit of Mailing (FA-4121V)** form.
- 5. Go to the Clerk of Courts in the county in which the legal separation was granted, complete the **Divorce/Annulment Worksheet** (F-05080) (Vital Statistics), and file the following items:
 - A. Original and remaining copies of the **Motion and Order Converting Legal Separation to Divorce** forms.
 - B. **Two self-addressed stamped** envelopes (one addressed to you and one addressed to the other party). If the State of Wisconsin is a party, include one unstamped envelope addressed to your local Child Support Agency.
 - C. Completed **Divorce/Annulment Worksheet** (Vital Statistics).
- 6. The court will hold the form for five (5) business days to give the other party(s) time to review the order and object to its accuracy. If there are no objections within the five (5) business days, the court will review, sign, and return the order to you and the other party(s). These papers are very important. You must keep them in a safe place, as they will serve as your final divorce papers.