

FORM SUMMARY

Name of Form: Affidavit to Show Cause and Request for Hearing for Temporary Order With Minor Children

Form Number: FA-4128VA

Statutory Reference: §§767.117, 767.127, and 767.225, Wisconsin Statutes

Benchbook Reference:

Purpose of Form: This form allows a party in an action for divorce or legal separation in which there are minor children to request a hearing before the court to have an order entered that would resolve various issues such as asset allocation, debt payments, child custody and support, maintenance payments, and similar matters while the case is pending. It would be used when the parties are unable to reach an agreement on such issues.

Who Completes It: The party seeking the hearing would complete the caption and sign the affidavit section on page 3. After signing the affidavit, the signor would seek out a notary public, be sworn, and sign the affidavit under oath. The notary public would complete the notarial section. The party would then take the document to the court to have the court complete the date, time, place of the hearing and the name of the presiding court official.

Distribution of Form: Original will be filed with the court. Authenticated copy would be served on the other party. Copy to State Vital Records Department.

Accompanying Forms: Although none are necessarily required, there may be schedules attached listing property, debts, or other information that doesn't fit on the form. Financial disclosure statements may also be attached as needed.

New Form/Modification: Modification; last update 04/08.

Modification: Incorporated same sex divorce language and removed #3, "I request a hearing be held and temp order be entered pursuant to 767.23(1), Wis. Stats."

Comments: Split for eFiling, 05/16.

About this Form: This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office.

As a *pro se* form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.