

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ **COUNTY**

Enter the name of the petitioner/joint petitioner A.

IN RE: THE MARRIAGE OF
Petitioner/Joint Petitioner A

Name (First, Middle and Last)

and

Enter the name of the respondent/ joint petitioner B.

Respondent/Joint Petitioner B

Name (First, Middle and Last)

Check divorce or legal separation.

Enter the case number.

Amended

**Findings of Fact,
Conclusions of Law, and
Judgment**

With Minor Children

Divorce-40101

Legal Separation-40201

Case No. _____

FINAL HEARING

In 1, enter the name of the court official who granted the judgment and the address and date [Month, Day, Year] on which it was granted.

A final hearing was conducted in this matter as follows:

1. Before _____
Circuit Court Judge/Circuit Court Commissioner

2. Location _____

3. Date _____ Time _____ a.m. p.m.

APPEARANCES

In 1, check how the party appeared.

If b, enter the name of the attorney.

1. **Petitioner/Joint Petitioner A**

appeared **in person** appeared **by phone** **did not appear** **AND**

a. was self-represented.

b. was represented by Attorney _____.

In 2, check how the party appeared.

If b, enter the name of the attorney.

2. **Respondent/Joint Petitioner B**

appeared **in person** appeared **by phone** **did not appear** **AND**

a. was self-represented.

b. was represented by Attorney _____.

In 3, check a, b, c, or d.

If b, c, or d, enter the name of the individual who appeared.

3. Others appearing at the hearing:

a. None.

b. Child Support Agency by _____.

c. Guardian ad Litem (GAL) _____.

d. Other: _____.

FINDINGS OF FACT

A. Jurisdiction

- All necessary parties were properly served and 120 days have lapsed since filing the joint petition or the date of service of the summons and petition, whichever applies.
- At the time of the final hearing, the parties requested a
 - a. **Divorce.** The court finds the marriage is irretrievably broken.
 - b. **Legal Separation.** The court finds the marital relationship is broken and acceptable reasons have been given to the court for the request.
- All jurisdictional requirements for a judgment have been met.

In 2, check a or b.

In B.1, enter the requested information about Petitioner/Joint Petitioner A.

If you do not know an answer, enter "unknown" in the blank.

B. Parties (As of the date of the final hearing)

1. The Petitioner/Joint Petitioner A in this action is:

Name _____
 Address _____
 Address _____
 City _____ State _____ Zip _____
 Date of birth _____
 Gross monthly income \$ _____

2. The Respondent/Joint Petitioner B in this action is:

Name _____
 Address _____
 Address _____
 City _____ State _____ Zip _____
 Date of birth _____
 Gross monthly income \$ _____

In 2, enter the requested information about Respondent/Joint Petitioner B.

If you do not know an answer, enter "unknown" in the blank.

C. Children

1. The minor children (age 17 or younger) born to or adopted by the parties before or during the marriage are as follows:

None

Name of Minor Child	Date of Birth

In C, enter the name and date of birth [month, day, year] for each **minor** child.

If there are no minor children, check None.

2. The adult children (age 18 or older) born to or adopted by the parties before or during the marriage are as follows:

None

Name of Adult Child	Date of Birth

In 2, enter the name and date of birth for each **adult** child.

If you and the other party have no adult children, check None.

In 3, enter the name and date of birth for any child born to a female party during the marriage that is not the other party's. Enter the county, state and case number in which paternity has been addressed.

3. Other children born to a female party during the marriage are as follows:
 None

The Court makes a finding that this child:

Name of Child	Date of Birth	IS NOT	Basis for Finding (State, County, Case Number for Paternity Case, if any)
		<input type="checkbox"/> Petitioner/Joint Petitioner A's <input type="checkbox"/> Respondent/Joint Petitioner B's	
		<input type="checkbox"/> Petitioner/Joint Petitioner A's <input type="checkbox"/> Respondent/Joint Petitioner B's	
		<input type="checkbox"/> Petitioner/Joint Petitioner A's <input type="checkbox"/> Respondent/Joint Petitioner B's	

In 4, check a or b and check which party is the father.

4. a. Neither party is currently pregnant.
 b. [Name of Party] _____ is currently pregnant and
 Petitioner/Joint Petitioner A
 Respondent/Joint Petitioner B
 is found to be the father.

5. The present best interests of the minor children are best served by awarding legal custody and physical placement as set forth in the attached Marital Settlement Agreement or Proposed Marital Settlement.

D. The parties' assets, their interests, values and their encumbrances and debts are found to be as stated in the Financial Disclosure Statements, which were updated as required by statute on the record at the time of trial and are on file.

E. A Marital Settlement Agreement or Proposed Marital Settlement has been submitted, the party(s) have asked that it be approved by the Court. All parties present have been informed of the legal consequences if the court approves the document in whole or in part.

In F1, check a, b or c. If c, enter the amount and interest rate and check 1 or 2. If 1, enter the date. If 2, enter payment amount, the frequency of the payment, and the date payments begin.

F. Arrearages

1. Past Due Maintenance.

The amount of the past due arrearages for maintenance at the time of the final hearing is
 a. none (zero).
 b. as agreed in the Marital Settlement Agreement or Proposed Marital Settlement.
 c. \$_____ which shall earn interest at the rate of _____% per year and shall be paid as
 1) a one-time payment to the WI SCTF made by [Date] _____, 20____.
 2) through monthly income withholding by the WI SCTF in the amount of \$_____ beginning _____, 20 ____ until the arrearages are paid in full.

Pursuant to §767.58(1)(c), Wis. Stats., a party receiving maintenance must notify the court and the payer within ten (10) days of remarriage.

2. Past Due Child Support.

The amount of the past due arrearages for child support at the time of the final hearing is
 a. none (zero).
 b. as agreed in the Marital Settlement Agreement or Proposed Marital Settlement.
 c. \$_____ which shall earn interest at the rate of _____% per year and shall be paid as
 1) a one-time payment to the WI SCTF made by [Date] _____, 20____.
 2) through monthly income withholding by the WI SCTF in the amount of \$_____ beginning _____, 20 ____ until the arrearages are paid in full.

In 2, check a, b or c. If c, enter the amount and check 1 or 2. If 1, enter the date. If 2, enter payment amount, the frequency of the payment, and the date the payments shall begin.

In G, enter any other findings.

G. Other Findings: _____

CONCLUSIONS OF LAW AND JUDGMENT

In A, check 1 or 2.
If 1, enter the effective date.

A. The Court grants a judgment of

1. **Divorce.** The marriage between the parties is dissolved and the parties are divorced effective on date of hearing. other date: _____

The parties are informed by the court that under §765.03(2), Wis. Stats.:
It is unlawful for any person who is or has been a party to an action of divorce in any court in this state, or elsewhere, to marry again until six months after judgment of divorce is granted, and the marriage of any such person solemnized before the expiration of six months from the date of the granting of judgment of divorce shall be void.

If 2, enter the effective date.

2. **Legal Separation.** The marital relationship is broken and the parties are granted a judgment of legal separation effective on date of hearing. other date:_____.

The parties are informed by the court that under §767.35, Wis. Stats.:
▪ In case of reconciliation, at any time, the parties may apply for a revocation of the judgment of legal separation.
▪ The court shall convert the decree to a decree of divorce:
• by stipulation of both parties at any time, OR
• upon motion of either party not earlier than one year after entry of a decree of legal separation.

In B.1, check the appropriate boxes and enter the date [month, day, year] that the party(s) signed the checked document and attach the document.

B. Final Orders

1. **Marital Settlement Agreement** dated _____ or
 Proposed Marital Settlement dated _____ of the
 Petitioner/Joint Petitioner A
 Respondent/Joint Petitioner B

is approved and made the judgment of the court except as changed below:

2. No **Marital Settlement Agreement** or **Proposed Marital Settlement** was approved by the court. A **Divorce Judgment Addendum** has been prepared to reflect the Judges' order and is made the judgment of the court.

If the court made changes, write them in the space provided.

If 1 does not apply, check 2.

C. Lis Pendens

Any Lis Pendens filed in this action is released.

In D, check 1, 2, or 3.

D. Legal Name Restoration

1. Neither party is awarded the right to use a former legal surname.
 2. Petitioner/Joint Petitioner A is awarded the right to use a former legal surname of _____.
 3. Respondent/Joint Petitioner B is awarded the right to use a former legal surname of _____.

If 2 or 3, enter the former legal surname.

Note: If this is an action for legal separation, the court cannot allow either party to resume a former legal surname unless and until the judgment is converted to a divorce.

E. Child Legal Custody and Physical Placement

1. A person who is awarded periods of physical placement, a child of such a person, a person with visitation rights, or a person with physical custody of a child may notify the

Circuit Court Commissioner of any problem he or she has relating to any of these matters. Upon notification, the Circuit Court Commissioner may refer any person involved in the matter to the Director of Circuit Court Counseling Services for mediation to assist in resolving the problem.

2. In a sole legal custody arrangement, the parent not granted sole legal custody shall file a medical history form with the court in compliance with §767.41(7m), Wis. Stats.
3. Both parties shall have access to the minor child(ren's) educational records pursuant to §118.125, Wis. Stats.
4. Change of Residence of Children. You are informed of the following:
 - Each parent must notify the other parent, the child support agency, and the clerk of court of the address at which they may be served within 10 business days of moving to that address. The address may be a street or post office address.
 - The address provided to the court is the address on which the other parties may rely for service of any motion relating to modification of legal custody or physical placement or to relocating the child's residence.
 - A parent granted periods of physical placement with the child must obtain a court order before relocating with the child 100 miles or more from the other parent if the other parent also has court-ordered periods of physical placement with the child.

5. Parties are notified of the provisions of §948.31, Wis. Stats., as follows:

948.31 Interference with custody by parent or others.

(1) (a) In this subsection, "legal custodian of a child" means:

1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.

2. The department of children and families or the department of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody or supervision of the child has been transferred under ch. 48 or 938 to that department, person or agency.

(b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class F felony. This paragraph is not applicable if the Court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

(2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.803, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class I felony. This subsection is not applicable if the legal custody has been granted by court order to the person taking or withholding the child.

(3) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class F felony:

(a) Intentionally conceals a child from the child's other parent.

(b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.02(9).

(c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.

(4) (a) It is an affirmative defense to prosecution for violation of this section if the action:

1. Is taken by a parent or by a person authorized by a parent to protect his or her child in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child;
2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault to himself or herself;
3. Is consented to by the other parent or any other person or agency having legal custody of the child; or
4. Is otherwise authorized by law.

(b) A defendant who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.

(5) The venue of an action under this section is prescribed in s. 971.19(18).

which incurred the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.

(6) In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless of whether the violator is placed on probation under s.973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity locating and returning the child. Any such amounts paid by the violator shall be paid to the person or governmental entity which incurred the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.

F. Child Support/Maintenance/Family Support

1. Pursuant to §767.75, Wis. Stats., this judgment constitutes an immediate assignment of all commissions, earnings, salaries, wages, pension benefits, benefits under Chapter 102 or 108, and other money due or to be due in the future, to the WI SCTF. The assignment shall be for an amount sufficient to ensure payment under this judgment, so long as the addition of the amount toward arrears does not leave the party at an income below the poverty line established under 42 USC 9902(2).
2. Pursuant to §767.57(1)(a), Wis. Stats., all payments for child support and/or maintenance ordered shall note the case number and the names of the parties on the face of the check, should be made payable to WI SCTF, and sent to:

Wisconsin Support Collections Trust Fund
Box 74200
Milwaukee, WI 53274-0200.

The WI SCTF will transmit the payments to the proper persons entitled to them.

Failure of an employer to pay the proper amount shall not be a defense for failure to pay the proper amount. If an employer fails to take out the correct amount for child support and/or maintenance, the party paying is responsible for paying the full and correct amount directly to WI SCTF.

Pursuant to §767.57(1e), Wis. Stats., the party making payment for child support and/or maintenance is responsible for payment of the annual receiving and disbursing fee to WI SCTF.

Pursuant to §767.57(1e)(c), Wis. Stats., an annual fee will be deducted by WI SCTF from payments to recipients of child support or family support.

3. Both parties shall notify, in writing, the other party and the Clerk of Court and the Child Support Agency of the county in which this action is filed, within 10 business days, of any change of employer and employer's address, and of any substantial change in the amount of his/her income, including receipt of bonus compensation, such that his/her ability to pay support is affected. Notification of any substantial change in the amount of the payer's income will not result in a change in the order unless a revision or adjustment of the order is sought.

4. A party ordered to pay child support or family support shall pay simple interest rate according to statutory rate on any amount in arrears that is equal to or greater than the amount of support due in 1 month. If there is no current order, interest shall accrue on the balances due.
5. Pursuant to §767.75, Wis. Stats., a withholding assignment or order under this section has priority over any other assignment, garnishment, or similar legal process under Wisconsin law. The employer shall not withhold more of the employee's disposable income than allowed pursuant to the Federal Consumer Credit Protection Act unless the employee agrees to have the full amount withheld. No employer may use an assignment under this section to deny employment, or to discharge or take disciplinary action against an employee.
6. Pursuant to §767.54, Wis. Stats., if the court orders child support the parties shall annually exchange financial information. A party who fails to furnish the information as required by the court under this subsection may be proceeded against for contempt of court under ch. 785, Wis. Stats. If the court finds that a party has failed to furnish the information required under this subsection, the court may award to the party bringing the action costs and, notwithstanding §814.04(1), Wis. Stats., reasonable attorney fees. Failure by a party to timely file a complete disclosure statement as required hereunder shall authorize the court to accept as accurate any information provided in the statement of the other party or obtained under §49.22(2m), Wis. Stats. by WI SCTF or the county child support agency under §59.53(5), Wis. Stats.

7. Property Division

Notice is given of the provisions of §767.61 (5) (a) and (b) and §767.61(6), Wis. Stats. The parties shall transfer title to property of the parties as necessary, in accordance with the division of property set forth in the judgment.

The parties are notified that

- a. it may be necessary for the parties to take additional actions in order to transfer interests in their property in accordance with the division of property set forth in the judgment, including such interests as interests in real property, interests in retirement benefits, and contractual interests.
- b. the judgment does not necessarily affect the ability of a creditor to proceed against a party or against that party's property even though the party is not responsible for the debt under the terms of the judgment.
- c. an instrument executed by a party before the judgment naming the other party as a beneficiary is not necessarily affected by the judgment and it may be necessary to revise the instrument if a change in beneficiary is desired.
- d. a deed consistent with the judgment or a certified copy of the portion of the judgment affecting title to real property shall be recorded in the office of the register of deeds of the county in which the real property is located.

G. Court Ordered Fees

All payments of attorney fees shall be paid directly to the attorney or to the agency providing services which may enforce the order in its name.

All payment of Guardian ad Litem (GAL) fees or fees for family court services shall be paid directly to the GAL or the agency which may enforce the order.

H. Restraining Order

Both parties are restrained from interfering with the personal liberty of the other.

I. Non-Compliance

Disobedience of the court orders is punishable under ch. 785 Wis. Stats. by commitment to the county jail until the judgment is complied with and the costs and expense of the proceedings are paid or until the party committed is otherwise discharged, according to law.

J. Entry of Judgment

The Clerk of Court's office, per §806.06(1)(2), Wis. Stats., shall enter this judgment by affixing a file stamp that is dated.

Petitioner/Joint Petitioner A: _____

Respondent/Joint Petitioner B: _____

Findings of Fact, Conclusions of Law, and Judgment-With Minor Children

Page 8 of 8

Case No. _____

THIS IS A FINAL ORDER FOR PURPOSE OF APPEAL IF SIGNED BY A CIRCUIT COURT JUDGE.

BY THE COURT:

Circuit Court Judge/Circuit Court Commissioner

Title (Print or Type Name if not eSigned)

Date

For Court Use Only.