

## FORM SUMMARY

---

|                               |   |
|-------------------------------|---|
| <b>Name of Form:</b>          | <b>Affidavit to Seal Identifying Information in a Child Custody Proceeding</b>  |
| <b>Form Number:</b>           | <b>GF-177</b>   |
| <b>Statutory Reference:</b>   | §§767.085 and 822.29(5), Wisconsin Statutes   |
| <b>Benchbook Reference:</b>   | None at this time   |
| <b>Purpose of Form:</b>       | A party to a “child custody proceeding” who believes that the health, safety, or liberty of a party or child will be jeopardized by disclosure of “identifying information” may have that information “sealed” by the court pending a hearing before the court. Although the statute provides that the party may allege in an affidavit or a pleading under oath the request for sealing, RMC believes the better practice is to submit the request in the form of this separate affidavit. In this way, the request is immediately highlighted to the clerk of court so that a proper request is not inadvertently overlooked. This affidavit provides a method for the party to provide to make such a request. |
| <b>Who Completes It:</b>      | The party seeking the sealing of the identifying information.   |
| <b>Distribution of Form:</b>  | Original to Clerk, Copies would be provided (generally by service of the initiating documents) on the other parties.  |
| <b>Accompanying Forms:</b>    | Generally, this form will accompany the “Petition for Divorce/Legal Separation” (FA-4108, FA-4109, FA-4110, or FA-4111) as well as the “Disclosure of Sealed Identifying in a Child Custody Proceeding” (GF-178). However, the same type of request can be made in any “child custody proceeding” as defined in §822.01(4), Wisconsin Statutes; thus it may be used in such other proceedings as well.  |
| <b>New Form/Modification:</b> | New form  |
| <b>Comments:</b>              | 1. A “child custody proceeding” is defined in section 822.01(4), Wisconsin Statutes, as “a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, legal separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence, in which the issue may appear.” The statute indicates it does not apply to “a proceeding involving juvenile delinquency, contractual emancipation, or   |

enforcement under subch. III of chapter 822, Wisconsin Statutes.”

2. The applicability of this provision seems to be limited to cases involving minor children because section 822.29(5), Wisconsin Statutes, is part of the Uniform Child Custody Jurisdiction and Enforcement Act which, by definition, only applies to a “child custody proceeding.” This provision is not included within the general divorce code.
3. The procedure outlined in the statutes requires the clerk of court to seal the information and submit the matter to the presiding court official for a hearing to determine whether the information should remain sealed. The court can reverse the sealing and order disclosure after a hearing. The statutory criteria requires the court to consider the health, safety or liberty of the party or child and determine that the disclosure is “in the interest of justice” before authorizing disclosure.
4. Although RMC believes the better practice is to submit the request for sealing through the use of this Affidavit, clerks of court should be aware that the statute does authorize the request to be made in the petition or other pleading itself. Therefore, it is important that the clerk conduct a review of every pleading when filed to ensure that a request is not inadvertently overlooked.

**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.**