

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

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

For Official Use

Enter your name (you are the **petitioner**).

In re the marriage of:

Petitioner:

First name Middle name Last name

Address

Address

City State Zip

Enter your address.

On the far right, check divorce or legal separation.

Enter your spouse's name (your spouse is the **respondent**).

Respondent:

First name Middle name Last name

Address

Address

City State Zip

Enter your spouse's address.

Note: Leave case number blank; the clerk will add this.

Petition
With Minor Children

- Divorce-40101**
- Legal Separation-40201**

Case No. _____

I am the petitioner in this action.

Enter your date of birth [month, day, year].

A. I am providing the following information about myself:

1. Date of birth _____
2. Immediately before filing this petition, I will have lived in this county for 30 days or more.
 Yes **No**
3. Immediately before filing this petition, I will have lived in the state of Wisconsin for 6 months or more.
 Yes **No**
4. I am currently on active duty as a member of the Armed Forces of the United States of America or its allies.
 Yes **No**

Check yes or no.

Check yes or no.

Check yes or no.

Enter your spouse's date of birth [month, day, year].

B. I am providing the following information about the respondent, my spouse:

1. Date of birth _____
2. Immediately before filing this petition, the respondent will have lived in this county for 30 days or more.
 Yes **No**
3. Immediately before filing this petition, the respondent will have lived in the state of Wisconsin for 6 months or more.
 Yes **No**
4. The respondent is currently on active duty as a member of the Armed Forces of the United States of America or its allies.
 Yes **No**

Check yes or no.

Check yes or no.

Check yes or no.

Enter the date [month, day, year], city, and state in which you were married.

Check a or b. If b, explain why you are filing for a legal separation and not a divorce.

Check a or b. If b, enter the county and state in which it was filed, the case number assigned to it, and check yes or no to indicate if the case has been dismissed.

Check yes or no. If no, respond to 5a-5d with information about your most recent previous marriage.

If you had an additional previous marriage, respond to 5e-5h.

Check yes or no. If no, respond to 6a-6d with information about your spouse's most recent previous marriage, if known.

If your spouse had an additional previous marriage, respond to 6e-6h.

C. I am providing the following marriage information:

1. My spouse and I were married on (date) _____
2. We were married in (city) _____ (state) _____
3. I am filing for:
 - a. **Divorce:** This marriage is irretrievably broken.
 - b. **Legal Separation:** This marriage is broken and the reason I am requesting a legal separation and not a divorce is: _____

4. **Previous Actions:**

This is the first time that either my spouse or I have filed for divorce or legal separation **from each other** in Wisconsin or in any other state:

 - a. **Yes**
 - b. **No:** County: _____
State: _____
Case No.: _____
Has this case been dismissed: **Yes** **No**

5. This is my first marriage.
 Yes **No**
 - a. I was previously married to _____
 - b. The marriage was terminated by **divorce.** **death.**
 - c. Date of the divorce or death: _____
 - d. The divorce was granted in:
Name of court: _____
City: _____ State: _____
 - e. I was also previously married to _____
 - f. The marriage was terminated by **divorce.** **death.**
 - g. Date of the divorce or death: _____
 - h. The divorce was granted in:
Name of court: _____
City: _____ State: _____

If you had more than 2 previous marriages, repeat 5e-5h on an additional sheet.

6. This is my spouse's first marriage.
 Yes **No**
 - a. My spouse was previously married to _____
 - b. The marriage was terminated by **divorce.** **death.**
 - c. Date of the divorce or death: _____
 - d. The divorce was granted in:
Name of court: _____
City: _____ State: _____
 - e. My spouse was also previously married to _____
 - f. The marriage was terminated by **divorce.** **death.**
 - g. Date of the divorce or death: _____
 - h. The divorce was granted in:
Name of court: _____
City: _____ State: _____

If your spouse had more than 2 previous marriages, repeat 6e-6h on an additional sheet.

D. I am providing the following information regarding children:

1. The **minor** children (age 17 or younger) born to or adopted together by me and my spouse before or during our marriage are:

None

Name of child

Date of birth

2. The **adult** children (age 18 or older) born to or adopted together by me and my spouse before or during our marriage are:

None

Name of child

Date of birth

3. **Other** children born to the wife during this marriage, but not fathered by the husband are:

None

Name of child

Date of birth

4. To the best of my knowledge, the wife in this marriage:
- a. **is** currently pregnant. (An attorney [guardian ad litem] for the unborn child will be required if the husband is not the father.)
- b. **is not** currently pregnant.

5. The current address of the minor children is:

Address _____

Address _____

City _____ State _____ Zip _____

6. Previous addresses for the minor children:

Address _____

Address _____

City _____ State _____ Zip _____

Address _____

Address _____

City _____ State _____ Zip _____

Enter the name and date of birth [month, day, year] for each **minor** child. If you and your spouse do not have minor children together, check None.

Enter the name and date of birth [month, day, year], for each **adult** child. If you and your spouse do not have adult children together, check None.

Enter the name, date of birth [month, day, year], for any **other** children. If the wife gave birth to no other children check None.

If more than 2, attach additional sheet.

Check a or b.

Enter the current address of the minor children. If they currently reside at separate addresses, provide those addresses on an additional sheet.

Enter any previous addresses for the minor children living **with the parents** during the past 5 years.

If the children have lived in more than 2 places over the past 5 years, provide those addresses on an additional sheet.

Check yes or no.

If yes, enter the name of that minor child and the name and address of the person with whom that child lived.

Attach an additional sheet, if necessary.

7. Currently, or during the last 5 years, one or more of the minor children lived with a person other than a parent.

Yes No

Child _____
 Person _____
 Address _____
 Address _____
 City _____ State _____ Zip _____

Child _____
 Person _____
 Address _____
 Address _____
 City _____ State _____ Zip _____

Child _____
 Person _____
 Address _____
 Address _____
 City _____ State _____ Zip _____

Check a or b.

If a, enter the name of the court in which it was ordered, the case number assigned to it, and date it was ordered.

8. I, or I am aware of others who, have been a party, witness or participated in another way in other past court proceedings concerning the custody of or physical placement or visitation with the minor children listed in **D1** or **D3**, in Wisconsin or in any other state.

a. Yes and the custody, physical placement, or visitation order was granted in:

Name of court: _____

Case Number: _____ Date: _____

b. No

Check a or b.

If a, enter the name of the court in which it was ordered, the case number assigned to it, and date it was ordered.

9. I am aware of a proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings related to domestic violence, protective orders, termination of parental rights, or adoption concerning the children listed in **D1** or **D3**, in Wisconsin or any other state.

a. Yes and the custody, physical placement, or visitation order was granted in:

Name of court: _____

Case Number: _____ Date: _____

b. No

Check a or b. If a, attach a copy of the written agreement.

10. My spouse and I have made written agreements or received orders from the court about some or all of the matters in this action such as maintenance (spousal support), child support, legal custody or physical placement of the minor children, or property division.

a. Yes, and ***I have attached a copy of the written agreement to this Petition.***

b. No

If you are requesting maintenance (spousal support) at this time, check yes. If not, check no.

I ask that the court:

1. Grant a judgment as requested.

2. Enter an order granting maintenance.

Yes No

3. Enter other orders as it deems just and equitable.

ACTS PROHIBITED BY STATUTE

In accordance with sec. 767.117 Wis. Stats., neither the petitioner nor the respondent to this divorce or legal separation action can participate in any of the following activities while this action is pending:

1. Harassing, intimidating, physically abusing or imposing any restraint on the personal liberty of the other party or a minor child of either of the parties.
2. Encumbering, concealing, damaging, destroying, transferring, or in any other way disposing of property owned by either or both of the parties, without the consent of the other party or an order of the court or the Family Court Commissioner, except in the usual course of business, in order to secure necessities or in order to pay reasonable costs and expenses of the action, including attorney fees.
3. Establishing a residence with a minor child of the parties outside the state of Wisconsin or more than 150 miles from the residence of the other party within the state without the consent of the other party or an order of the court or Family Court Commissioner.
4. Removing a minor child of the parties from the state of Wisconsin for more than 90 consecutive days without the consent of the other party or an order of the court or Family Court Commissioner.
5. Concealing a minor child of the parties from the other party without the consent of the other party or an order of the court or Family Court Commissioner.

A VIOLATION OF THE ABOVE PROHIBITIONS MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT, AND OTHER SANCTIONS AS PROVIDED FOR IN SEC. 785.04 WIS. STATS.

A violation of paragraphs 3, 4, or 5 above is not a contempt of court if the court finds that the action was taken to protect a party or a minor child of the parties from physical abuse by the other party and that there was no reasonable opportunity under the circumstances for the party to obtain an order authorizing the action.

These PROHIBITIONS apply until the action is dismissed, a final judgment in the action is entered, or the court orders otherwise.

STOP! Take this document to a Notary Public BEFORE you sign it.
After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.
Have the Notary Public sign, date, and seal the document.

Signature

Print or Type Name

Date

Subscribed and sworn to before me
on _____

Notary Public, State of Wisconsin
My commission expires: _____

(Seal)

**Wisconsin Department of Workforce Development
Child Support Percentage of Income Standards**

Authority and Purpose

Wis. Stats. Sec. 49.22(9) requires the Department to adopt and publish a standard, based upon a percentage of the gross income and assets of either or both parents, to be used by courts in determining child support obligations. Chapter DWD 40 of the Wisconsin Administrative Code establishes Wisconsin's percentage of income standard for child support. It is based upon the principle that the child's standard of living should, to the degree possible, be the same as if the child's parents were living together.

Chapter DWD 40 defines the income upon which the support obligation is based, and sets the percentages of income for computing the support obligation based upon a number of children. It also explains optional procedures for adjusting the obligation when the parents share placement, when the payer has an obligation to support another family, or when the payer has particularly high or low income.

Applicability

The percentage standard applies to any temporary and final order for child support, including child support stipulations agreed to by both parents and modifications of existing child support orders. When used to calculate family support, the amount determined under the standard should be increased by the amount necessary to provide a net family support payment, after state and federal income taxes are paid, of at least the amount of a child support payment under the standard.

Definition Of Income And Assets

Chapter DWD 40 defines gross income as income from any source, whether or not it is reported or taxed under federal law. The income can be in the form of money, property, or services. Public assistance or child support received from previous marriages or business expenses, which the court determines are reasonably necessary for the production of income or operation of a business are subtracted, and wages paid to dependent household member are added to determine "gross income available for child support."

The court may also determine that income may be "imputed" (assumed at a given level) based on earning capacity and/or assets, and that imputed income is added to the gross income for the calculation of the support obligation.

THE PERCENTAGE STANDARD

The percentages are:

- 17% for one child
- 25% for two children
- 29% for three children
- 31% for four children
- 34% for five or more children

Wisconsin Statutes require temporary and final support orders to be expressed as fixed sum in most situations.

For further details, refer to Chapter DWD 40 of the Wisconsin Administrative Code and Wisconsin Statute 767 Actions Affecting the Family. (Choose "Wisconsin Law" on <http://www.legis.state.wi.us>)

**Statutory Factors Courts May Consider In Determining Child Support Awards for
Paternity, Divorce, or Legal Separation**

§767.511 Child Support.

(1 m) Upon request by a party, the court may modify the amount of child support payments determined under s. 767.511 (1j) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties:

- (a) The financial resources of the child.
- (b) The financial resources of both parents
- (bj) Maintenance received by either party.
- (bp) The needs of each party in order to support himself or herself at a level equal to or greater than that established under 42 USC 9902 (2).
- (bz) The needs of any person, other than the child, whom either party is legally obligated to support
- (c) If the parties were married, the standard of living the child would have enjoyed had the marriage not ended in annulment, divorce or legal separation.
- (d) The desirability that the custodian remain in the home as a full-time parent.
- (e) The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.
- (ej) The award of substantial periods of physical placement to both parents.
- (em) Extraordinary travel expenses incurred in exercising the right to periods of physical placement under s.767.41.
- (f) The physical, mental and emotional health needs of the child, including any costs for health Insurance as provided for under sub. (4m).
- (g) The child's educational needs.
- (h) The tax consequences to each party.
- (hm) The best interests of the child.
- (hs) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.
- (i) Any other factors which the court in each case determines are relevant.