

PRINT in BLACK ink

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

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

For Official Use

Enter the name of the petitioner. If joint petitioners, enter the name of the wife.

In re the marriage of:
Petitioner/Joint Petitioner-Wife:

First name Middle name Last name

and

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

Enter the name of the respondent. If joint petitioners, enter the name of the husband.

Respondent/Joint Petitioner-Husband:

First name Middle name Last name

Check divorce or legal separation.

Divorce-40101
 Legal Separation-40201

Enter the case number.

Case No. _____

FINAL HEARING

A final hearing was conducted in this matter as follows:

Enter the name of the court official who granted the judgment and the address and date [month, day, year] on which it was granted.

1. Before: _____
Judge or Family Court Commissioner
2. Location: _____

3. Date: _____

APPEARANCES

Check one box from 1 and check a or b.
If b, enter the name of the attorney.

1. Petitioner / Joint Petitioner-Wife
 Appeared in person appeared by phone did not appear **AND**
a. Was self-represented.
b. Was represented by Attorney _____.

Check one box from 2 and check a or b.
If b, enter the name of the attorney.

2. Respondent / Joint Petitioner-Husband
 Appeared in person appeared by phone did not appear **AND**
a. Was self-represented.
b. Was represented by Attorney _____.

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

- 1. All necessary parties have been properly served and 120 days have lapsed since the filing of the joint petition or the date of service of the summons and petition, whichever applies.
- 2. 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.
- 3. All jurisdictional requirements for a judgment have been met.

Check a or b.

B. Parties (as of the date of the final hearing):

- 1. The wife in this action is:

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

Enter the requested information about the wife. If you do not know an answer, enter "unknown" in the blank.

- 2. The husband in this action is:

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

Enter the requested information about the husband. 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:

None

Name of child	Date of birth
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

None

Name of child

Date of birth

Name of child	Date of birth
_____	_____
_____	_____
_____	_____

Enter the name and date of birth for each **adult** child. If you and your spouse have no adult children, check None.

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

None

Name of child

Date of birth

The Court makes a finding that this child

Is NOT the husband's.

IS the husband's.

Name of child	Date of birth	Is NOT the husband's.	IS the husband's.
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

Enter the name and date of birth for each child born to the wife during the marriage/relationship that is not the husband's. Check the box to indicate if the court found these children to be those of the husband or not. If none, check none.

4. The wife

a. is not currently pregnant.

b. is currently pregnant and:

1. The husband is found to be the father.

2. The husband is not found to be the father and the marital presumption in ch. 891.41(2) Wis. Stats. has been rebutted.

A. A paternity case is not pending.

B. A paternity case is pending in _____ county in the state of _____ with case number _____.

Check a or b. If b, check 1 or 2. If 2, check A or B. If B, enter the name of the county and state in which the case is pending and write the case number assigned to it.

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 Order.

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 Order has been submitted. The party(s) have asked that it be approved by the Court. All parties present were advised of the legal consequences if the Court approves the document in whole or in part.

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F. Arrearages

1. Maintenance:

The amount of the arrearages for maintenance at the time of the final hearing is:

a. None (zero).

b. \$ _____, which shall earn interest at the rate of _____% per year and shall be paid by:

1. A one-time payment to the WI SCTF no later than (date) _____.

2. Through income withholding by the WI SCTF in the amount of \$ _____ per month beginning the first day of the month of _____, 20 ____ until the arrearages are paid in full.

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2. Child Support:

The amount of the arrearages for child support at the time of the final hearing is:

a. None (zero).

b. \$ _____ which shall earn interest at the statutory rate and shall be paid by:

1. A one-time payment to the WI SCTF no later than (date) _____.

2. Through income withholding by the WI SCTF in the amount of \$ _____ per month beginning the first day of the month of _____, 20 ____ until the arrearages are paid in full.

CONCLUSIONS OF LAW AND JUDGMENT

A. The Court grants a judgment of:

1. **Divorce:** The marriage between the parties is dissolved and the parties are divorced.

The parties are informed by the court that under sec. 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.

2. **Legal Separation:** The marital relationship is broken and the parties are granted a judgment of legal separation.

The parties are informed by the court that under sec. 767.35 Wis. Stats.:

In case of reconciliation at any time, the parties may apply for a revocation of the judgment of legal separation. And, by stipulation of both parties, or upon motion of either party not earlier than one year after entry of a decree of legal separation, the court shall convert the decree to a decree of divorce.

Check 1 or 2.

Check 1 or 2. For 1 or 2, enter the date [month, day, year] that the party(s) signed the checked document. If 2, check wife or

a and b-For Court Use Only.

B. Marital Settlement Agreement/Proposed Marital Settlement Order

The

- 1. **Marital Settlement Agreement** dated _____.
 - 2. **Proposed Marital Settlement Order** dated _____.
- of the **wife** **husband**

is attached to this Judgment, incorporated by reference, approved, and is made the judgment of the court except as changed or added to below.

- a. The court **has not** ordered any changes and/or additions to the **Marital Settlement Agreement** or **Proposed Settlement Order**.
- b. The court has ordered changes and/or additions to the **Marital Settlement Agreement** or **Proposed Marital Settlement Order** are **written below** **attached**.

C. Lis Pendens

Any Lis Pendens filed in this action is released.

D. Legal Name Restoration

Check 1, 2, or 3.

If 2 or 3, enter the former legal surname.

- 1. Neither party requests the use of a former legal surname.
- 2. The Wife requests the use of a former legal surname of: _____
- 3. The Husband requests the use of a former legal surname of: _____

Note: If this is an action for legal separation, the court cannot allow a spouse 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 Family 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 sec. 767.41(7m) Wis. Stats.
- 3. Both parties shall have access to the minor child(ren's) educational records pursuant to sec. 118.125. Wis. Stats.
- 4. Change of Residence of Children. Notice is given of the provisions of sec. 767.481 Wis. Stats.:

767.481 Moving the child's residence within or outside the state.

(1) NOTICE TO OTHER PARENT. (a) If the court grants periods of physical placement to more than one parent, it shall order a parent with legal custody of and physical placement rights to a child to provide not less than 60 days written notice to the other parent, with a copy to the court, of his or her intent to:

1. Establish his or her legal residence with the child at any location outside the state.
2. Establish his or her legal residence with the child at any location within this state that is at a distance of 150 miles or more from the other parent.
3. Remove the child from this state for more than 90 consecutive days.

(b) The parent shall send the notice under par. (a) by certified mail. The notice shall state the parent's proposed action, including the specific date and location of the move or specific beginning and ending dates and location of the removal, and that the other parent may object within the time specified in sub. (2) (a).

(2) OBJECTION; PROHIBITION; MEDIATION. (a) Within 15 days after receiving the notice under sub. (1), the other parent may send to the parent proposing the move or removal, with a copy to the court, a written notice of objection to the proposed action.

(b) If the parent who is proposing the move or removal receives a notice of objection under par. (a) within 20 days after sending a notice under sub. (1)(a), the parent may not move with or remove the child pending resolution of the dispute, or final order of the court under sub. (3), unless the parent obtains a temporary order to do so under s. 767.225.

(c) Upon receipt of a copy of a notice of objection under par. (a), the family court commissioner shall promptly refer the parents for mediation or other family court counseling services under s. 767.405 and may appoint a guardian ad litem. Unless the parents agree to extend the time period, if mediation or counseling services do not resolve the dispute within 30 days after referral, the matter shall proceed under subs. (3) to (5).

(3) STANDARDS FOR MODIFICATION OR PROHIBITION IF MOVE OR REMOVAL

CONTESTED. (a) 1. Except as provided under par. (b), if the parent proposing the move or removal has sole legal or joint legal custody, of the child and the child resides with that parent for the greater period of time, the parent objecting to the move or removal may file a petition, motion, or order to show cause for modification of the legal custody or physical placement order affecting the child. The court may modify the legal custody or physical placement order if, after considering the factor under sub. (5), the court finds all of the following:

- a. The modification is in the best interest of the child.
- b. The move or removal will result in a substantial change of circumstances since the entry of last order affecting legal custody or the last order substantially affecting physical placement.

2. With respect to subd. 1:

a. There is rebuttable presumption that continuing the current allocation of decision making under a legal custody order or continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. This presumption may be overcome by a showing that the move or removal is unreasonable and not in the best interest of the child.

b. A change in the economic circumstances or marital status of either party is not sufficient to meet the standards for modification under that subdivision.

3. Under this paragraph, the burden of proof is on the parent objecting to the move or removal.

(b) 1. If the parents have joint legal custody and substantially equal periods of physical placement with the child, either parent may file a petition, motion or order to show cause for modification of the legal custody or physical placement order. The court may modify an order of legal custody or physical placement if, after considering the factors under sub. (5), the court finds all of the following:

a. Circumstances make it impractical for the parties to continue to have substantially equal periods of physical placement.

b. The modification is in the best interest of the child.

2. Under this paragraph, the burden of proof is on the parent filing the petition, motion or order to show cause.

(c) 1. If that parent proposing the move or removal has sole legal or joint legal custody of the child and the child resides with that parent for the greater period of time or the parents have substantially equal periods of physical placement with the child, as an alternative to the petition, motion or order to show cause under par. (a) or (b), the parent objecting to the move or removal may

file a petition, motion or order to show cause for an order prohibiting the move or removal. The court may prohibit the move or removal if, after considering the factors under sub. (5), the court finds that the prohibition is in the best interest of the child.

2. Under this paragraph, the burden of proof is on the parent objecting to the move or removal.

(4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem, unless s. 767.407(1)(am) applies, and shall hold a hearing as soon as possible.

(5) FACTORS IN COURT'S DETERMINATION. In making its determination under sub. (3), the court shall consider all of the following factors:

(a) Whether the purpose of the proposed action is reasonable.

(b) The nature and extent of the child's relationship with the other parent and the disruption to that relationship which the proposed action may cause.

(c) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent.

(5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination under sub. (3), the court may consider the child's adjustment to the home, school, religion and community.

(6) NOTICE REQUIRED FOR OTHER REMOVALS. (a) Unless the parents agree otherwise, a parent with legal custody and physical placement rights shall notify the other parent before removing the child from his or her primary residence for a period of not less than 14 days.

(b) Notwithstanding par. (a), if notice is required under sub. (1), a parent shall comply with sub. (1).

(c) Except as provided in par. (b), subs. (1) to (5) do not apply to a notice provided under par. (a).

(7) APPLICABILITY. Notwithstanding 1987 Wisconsin Act 355, section 73, as affected by 1987 Wisconsin Act 364, the parties may agree to the adjudication of a modification of legal custody or physical placement order under this section in an action affecting the family that is pending on May 3, 1988.

5. Parties are notified of the provisions of ch. 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 health and family services 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 sec. 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 sec. 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 74400
Milwaukee, WI 53284-0400.

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 sec. 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.

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 at the rate of 1% per month (12% per year) 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 sec. 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 sec. 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 sec. 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 sec. 49.22(2m) Wis. Stats. by WI SCTF or the county child support agency under sec. 59.53(5) Wis. Stats.

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 sec. 806.06(1)(2) Wis. Stats., shall enter this judgment by affixing a file stamp that is dated.

BY THE COURT:

For Court Use Only

Circuit Court Judge/Circuit Court Commissioner

Print or Type Name

Date

APPROVED AS TO FORM BY:

Petitioner/Joint Petitioner-Wife

Respondent/Joint Petitioner-Husband

Child Support Agency Representative

Guardian ad Litem (if necessary)

Attorney Bar Number

Attorney Bar Number

All parties to the action should approve how accurately the form has been completed before the judge signs it. The parties must approve by signing in the space to the right.