

I) GENERAL INFORMATION ABOUT FAMILY COURT

- Family Court is a jurisdictional division of the Circuit Court.
- The most common types of family court actions are:
 - divorce or legal separation
 - paternity of non-marital children
 - child support for non-marital children
 - revision and/or enforcement of orders issued in a divorce or legal separation, or a paternity or other case concerning non-marital children.
- Chapter 767 of the Wisconsin Statutes governs family court proceedings.
- Chapter DWD 40 of the Wisconsin Administrative Code (the Child Support Standards) is an additional important source governing child support matters.
- Both of these are available from the Clerk of Courts for a modest copying fee. There are also Local Rules for Family Court, available upon request.
- Detailed information, instructions and forms for family court actions are available at the Wisconsin Court System (WCS) website <https://prosefamily.wicourts.gov/pages/index.html> .
- Copies are also available from the Clerk of Courts Office for a modest photocopying fee.
- Family Court proceedings are held both before the Family Court Commissioner and the Circuit Judge assigned to the case.
 - Private communications in any form with the judge or court commissioner about a pending or impending case are strictly prohibited by rules of court ethics.
 - All communications to the court must be in the form of proper legal paperwork (for which numerous pro se forms are available).
 - The person so filing must provide copies of the completed forms (and all attachments) to all other parties to the case.
 - Discussions with Clerk of Courts staff must be limited to what is needed to enable you to obtain the proper forms and instructions to file proper paperwork.
 - The Clerk of Courts staff is not permitted to provide legal consultations and advice. Consultation and advice means:
 - Listening to a detailed presentation of background and facts of a case
 - Providing opinions or suggestions about a course of action or strategy
 - Making tactical suggestions for in court presentations.

II) GENERAL PRO SE INFORMATION

- The legal term “pro se” refers to preparing and filing legal papers and appearing in court without an attorney.
- The most common types of pro se family court actions are:
 - divorce
 - legal separation
 - revision and/or enforcement of orders issued for:
 - legal custody and or physical placement of children

- support and related financial orders for children
- spousal maintenance
- The Wisconsin Court System (WCS) has family law pro se forms and instructions at its website <https://prosefamily.wicourts.gov/pages/index.html> that can be completed online and printed ready for filing, or printed blank and filled out by hand.
- The pro se forms are also available for purchase from the Clerk of Courts, in Room 115 of the Jefferson County Courthouse.
- Each set of pro se forms contains step by step explanations of the family court process and instructions needed from the start of the case through its conclusion.
- Persons acting as their own attorney must follow the Wisconsin Statutes and court rules, just as attorneys must do.
- Supreme Court Rules governing court impartiality limit the assistance court staff is permitted to provide.
 - The staff cannot complete forms for you or give you legal advice.
 - **It is unnecessary (and improper) for you to tell the support staff the detailed background of your situation and ask what you should do.**
 - Instead, you should read through the pro se instructions, decide what action you want to take, and obtain and complete the appropriate forms.
- There are no pro se forms for **Annulments**
 - Annulment is a highly unusual and difficult legal proceeding
 - It probably requires an attorney to properly file and present an action for annulment.
- There are no pro se forms to establish **paternity of non-marital children**
 - Establishing legal paternity is required in order to obtain any family court orders about a non-marital child: legal custody, physical placement, child support, etc.
 - There are two ways to establish legal paternity of a non-marital child
 - An **Action to Determine Paternity** or
 - A **Voluntary Paternity Acknowledgment**
 - You can find out more about these options from the Child Support Agency.
 - The Child Support Agency provides services to establish paternity and child support (and other financial orders) for non-marital children.
 - Once such a case is started, custody and physical placement orders can be included by using appropriate pro se forms.
 - There are also pro se forms to revise orders in these cases.
 - The Child support Agency is located in Room 119 of the Jefferson County Courthouse.
 - The Child Support Agency's phone number is 414-615-2587.

III) FILING A PRO SE DIVORCE OR LEGAL SEPARATION

- There are different residency requirements for divorce and legal separation

- To file a **divorce**, one of the parties must be a resident of Wisconsin for at least the six months immediately preceding the filing and of Jefferson County for at least thirty days immediately preceding the filing.
- For **legal separation**, one of the parties must be a resident of Wisconsin and Jefferson County for at least thirty days immediately preceding the filing
- There are separate forms for cases with and without minor children.
- The filing fee for cases without minor children is \$184.50 – unless there is a request for maintenance, and then the fee is \$194.50. For cases with minor children the filing fee is \$194.50.
 - The filing fee is automatically waived for persons receiving any form of means tested public assistance.
 - The filing fee may also be waived or deferred depending upon your income, resources and number of children in the home.
 - A form for waiver or deferral of filing fees is available from the Clerk of Courts.
- A Petition for Divorce or Legal Separation may be filed by one party only, or upon a separate form, by the parties jointly.
- The basic topics that must be addressed in cases involving children include:
 - Legal custody and physical placement
 - Support and other financial orders for children
 - Health insurance and payment of uncovered health care costs for children
 - Claiming children as dependents for income tax purposes
- Other basic topics that must be addressed in all cases include:
 - Spousal maintenance (which may be waived)
 - Payment of debts
 - Property division
- The information available at the Wisconsin Court System website (www.wicourts.gov) and from the Office of the Clerk of Courts includes:
 - “10 Basic Steps for Getting a Divorce or Legal Separation”
 - A flow chart showing you the steps in the process
 - An explanation of legal issues to consider
 - Measures available to address issues of personal safety
 - Definition of important legal terms you will need to know, such as:
 - divorce
 - legal separation
 - legal custody of children
 - physical placement of children
 - mediation
 - child support
 - maintenance (spousal support)
 - family support

- property division
 - debts and obligations
- The information available at the WCS website and the Clerk of Courts also provides a procedural checklist to assist you at each step of the case.
 - Please obtain and read carefully through the entire pro se instructions for divorce or legal separation before filling in the forms or asking the court staff for help.
 - This will give you a good overview of the whole process, before you begin, which will help you avoid mistakes and delays.
 - The line by line instructions enable you to complete the basic paperwork without error and without further assistance for most topics.
 - If you do not complete the paper work, a hearing date cannot be assigned.
 - After you have completed the forms, the Clerk of Courts staff can briefly answer questions about procedures and court appearances.
 - (i) If you are unable to understand and follow the instructions, please get help from a family member, relative or friend. The Clerk of Courts staff cannot:
 - Have detailed and lengthy discussions of individual cases
 - Conduct investigations of the case for you
 - Give advice or opinions about what you should do
 - Fill out forms for you
 - Predict what the court's decision might be
 - Discuss the decision with you after the hearing

IV) TEMPORARY ORDERS IN A DIVORCE OR LEGAL SEPARATION

- When filing, or any time after filing, an action for divorce or legal separation you may request temporary orders on any one or all of the following topics:
 - use of the marital residence
 - physical placement and/or legal custody of children
 - support and payment of expenses for children, including
 - health insurance
 - uninsured health care expenses
 - day care expenses
 - other "variable costs" for children
 - maintenance (spousal support)
 - use of vehicles and other personal property
 - payment of debts and monthly obligations
 - income tax filing status
 - the right to claim children as exemptions for income tax filing

- To request temporary orders when you file the case, or later - if you did not request them when you started the case - use the pro se form entitled “Order to Show Cause and Affidavit for Temporary Order.”
- If you and your spouse agree on what the temporary orders should be, you may fill out and file the form entitled “Stipulation for Temporary Order.”
 - You are not required to complete a Stipulation for Temporary Order
 - But, your agreements are not enforceable by the court, nor is child support collectable through income withholding, unless you file a stipulation
- Any time before the final hearing in a divorce or legal separation you may file:
 - a Motion to Amend Temporary Orders
 - The WCS pro se forms website does not include such a motion form
 - You may obtain a Jefferson County pro se motion form for this purpose from the Clerk of Courts
- An order to Show Cause and Affidavit for Finding of Contempt, to enforce temporary orders, if other party is willfully refusing or failing to comply.

V) REVISION AND ENFORCEMENT OF FINAL ORDERS

- Final orders that may be revised, by use of a motion, are:
 - legal custody of children
 - physical placement of children
 - child support and other financial responsibilities for children
 - maintenance (spousal support)
 - family support
- The filing fee for a motion to change financial orders regarding child support or other orders not involving custody or physical placement is \$30.
- The filing fee for a motion to change custody and/or physical placement is \$50.
- These motions may be combined, in which case only one fee of \$50 applies
 - The filing fee is automatically waived for persons receiving any form of means tested public assistance.
 - The filing fee may also be waived or deferred depending upon your income, resources and number of children in the home.
 - A form for waiver or deferral of filing fees is available from the Clerk of Courts.
- Orders for division of property and debts are not revisable.
- All final orders may be enforced by use of an “Order To Show Cause and Affidavit for Finding of Contempt.”
 - The filing fee is the same as filing a motion.
 - Personal service on the other party is required.
 - The service of process fee may be waived, in the same manner as filing fees.
- Orders for physical placement are enforceable through a “Motion to Enforce Physical Placement.”
 - There is no filing fee.

- Personal service on the other party is required.
- The service of process fee may be waived, in the same manner as filing fees.
- Most of the forms and specific instructions needed to change or enforce court orders are available at the WCS website <https://prosefamily.wicourts.gov/pages/index.html> and from the Clerk of Courts, in Room 115 of the Jefferson County Courthouse.
- Please obtain and read carefully through the entire pro se instructions for revision or enforcement of the court orders before filling in the forms or asking the court staff for help.

VI) COURT HEARINGS

- Please appear for your court hearing on time.
- If you filed the motion or order to show cause, or if you received it from the other party or his or her attorney, check in for your hearing at the Clerk of Court's Office, in Room 115 of the Jefferson County Courthouse.
- If the notice of hearing was provided by the Child Support Agency, you will need to check in for your hearing with the CSA at Room 119 after checking in at the Clerk of Court's office.
- Do not bring children to the hearing. You may bring relatives or friends, but they must sit in the gallery portion of the hearing room or court room.
- Bring your copies of the paper work you filed with you to the hearing.
- Bring copies of your financial statement with you to hearings for temporary orders or revision of financial orders.
- If you are the party who has received proper notice of a hearing, and need an adjournment, you must first request that of the other party (or the attorney who filed the motion or order to show cause). If there is no agreement to adjourn, you may make a written request to the court commissioner or judge with whom the hearing is scheduled
 - Any such request must show, on its face, that it was provided to the other party or the attorney for the party who filed the motion or order to show cause
 - Any such request must state a valid reason for an adjournment
 - Until and unless you receive a response from the court adjourning the hearing, it will remain scheduled.
 - Failure to appear, if you have received proper notice of a hearing, is a default and may result in entry of orders requested by the other party.
- Courteousness and proper decorum is required at all court appearances.