

INSTRUCTIONS FOR ANSWER AND COUNTERCLAIM

The answer portion of this form is intended for use by a respondent in a divorce action who wishes to deny any of the factual statements made by the petitioner in the Petition for Divorce. The counterclaim portion of this form is intended for use by a respondent who wishes to request relief from the court which is different from what the petitioner is requesting.

If an answer or a counterclaim is filed, it must be filed with the Clerk of Circuit Court within 20 days of the date that the Petition and Summons starting the divorce is served.

A respondent does not have to file an answer or a counterclaim. However, if an answer or a counterclaim is not filed, you may lose your right to object to anything that is incorrect in the petition and may lose the right to have the court award something other than what the petitioner requests. If the petitioner decides not to go ahead with the divorce, the filing of an answer and counterclaim permits the respondent to go ahead and get the divorce.

STEP 1: FILL OUT THE ANSWER AND COUNTERCLAIM FORM

You should read and fill out the form. Type or print neatly. Please review carefully the following instructions.

CAPTION

In the caption at the top of the page, print the petitioner's name on the line labeled "petitioner. " The petitioner is the person who started the divorce. Print your name on the line labeled "respondent." On the line labeled "case number." Fill in the court case number that is assigned to this case.

ANSWER

In the first section, copy on the line provided the number assigned to the sections in the Petition for Divorce with which you agree (contained in the first two or three pages of the Petition for Divorce.)

In the third section, copy on the line provided the number assigned to the sections in the Petition for Divorce with which you don't agree or with which you can't disagree because you do not know whether or not they are true.

COUNTERCLAIM

If you wish to file a counterclaim, fill out the sections as indicated below. If you do not wish to file a counterclaim, cross off this entire section and sign your name on the third last line labeled "signature of respondent" and fill in your address where indicated on the last two lines.

In the first section, copy on the line provided the number of the sections in the Petition for Divorce which you believe to be true.

In the second section, cross out the sentence if there are no minor children of your marriage. If you have minor children as the result of this marriage and think you are a fit and proper person to care for and have custody of the children, no action is necessary. If you believe you should not have the care and custody of the children, cross out this sentence.

If there are additional facts that you wish to assert as part of your counterclaim, add one or more additional items on a separate page that you should label "counterclaim" and attach to this form.

COMPLETION OF SECTION LABELED "THE RESPONDENT REQUESTS THE FOLLOWING RELIEF"

SECTION 1:

Circle whether you want a divorce or legal separation. If you want a legal separation, explain why in the line provided.

SECTION 2:

If there are minor children of your marriage, circle what type of legal custody you are requesting. If there are no minor children, cross off this section.

SECTION 3:

If you want one parent to have primary placement of the children, circle either "petitioner" or "respondent" If there are no minor children, cross off this section.

SECTIONS 4 THROUGH 11:

Cross off any sections that you do not think apply to your case.

SIGNATURE, ADDRESS:

Sign the document, where indicated on page two. Fill in your address where indicated.

STEP 2: FILE ANSWER AND COUNTERCLAIM

Take or mail the original of the document to the Clerk of Courts, Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615.

Mail a copy of the document to the petitioner if he or she is representing himself or herself. If the petitioner is represented by an attorney, mail a copy to that individual.

In re the marriage of:

ANSWER & COUNTERCLAIM

and

Case No. _____

ANSWER

The respondent:

1. Admits the allegations in paragraphs _____ of the petition;
2. Denies the allegations in paragraphs _____ of the petition;
3. Is without knowledge or information sufficient to form a belief regarding the allegations in paragraphs _____ of the petition.

COUNTERCLAIM

The respondent:

1. Realleges as if set forth in this document paragraphs _____ of the petition; and
2. Alleges that the respondent is a fit and proper person to have the care of the minor child(ren) (if applicable).

THE RESPONDENT REQUESTS THE FOLLOWING RELIEF:

1. Circle one: (Divorce / Legal Separation) The specific reason(s) for a legal separation/divorce are as follows _____.
2. The (joint/sole) custody of the minor child(ren) (if applicable)
3. Allocation of periods of physical placement of the minor child(ren) (with primary physical placement awarded to the (petitioner / respondent)
4. An award of an appropriate amount for the support of the minor children
5. A division of the parties' property
6. An award of a reasonable amount for the maintenance of the respondent
7. An award of an appropriate amount for family support
8. An award of an appropriate amount for the cost of maintaining this action and the respondent's attorney fees
9. Immediate income assignment
10. Restoration of the respondent's legal surname
11. Such other relief to which the respondent is entitled

Signature of Respondent

Street Address

City, State, Zip Code