

**INSTRUCTIONS FOR JOINT PETITION FOR ANNULMENT  
(NO MINOR CHILDREN)**

This form is intended for use by individuals who wish to file for annulment together. The form is to be used when the parties do not have children together who are under the age of 18. You can file for annulment only if at least one of the parties has lived in Jackson County for thirty (30) days or if the parties were married in the State of Wisconsin within one year immediately before filing for annulment. If you file a joint petition for annulment, you do not need to file a summons.

**Read and fill out the form. Type or print neatly. Please review carefully the following instructions. The numbers on the instructions below correspond to the numbers on the form.**

In the caption at the top of the first page, either party's name may appear first on the two lines labeled "joint petitioner". Print one name on each line. Each party's name must appear on the same line on documents you file in the future.

1. Print the wife's full name on the first line. Print the other information requested.
2. Print the husband's full name on the first line. Print the other information requested.
3. Fill in the date on which you were married and the county and state where the marriage took place.
4. Circle the option that indicates why you are filing for annulment.
5. Check whether the husband, wife or both parties have resided in Jackson County for 30 days or if you were married in the State of Wisconsin within one year immediately before filing for annulment.
7. If the wife is pregnant, cross out the word "not".
8. If one or both of you have previously filed for a legal action affecting this marriage, state in the space provided who filed, in what county and when (if you know the date).
9. If either of you was previously married, indicate in the space provided which party was previously married, to whom, and the date the marriage was terminated (if you know the date).
10. If you have entered into any written agreements as to support, maintenance of either party or property division, cross out the word "not".
12. Circle the items that you are requesting the judge to order.

Both parties must sign and date the Joint Petition for Annulment on the third page.

**Make two additional copies of the Joint Petition for Annulment after you have signed it.**

**FILE CASE AND PAY FEE**

Take the original and two copies of the form to the Clerk of Court, Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615, in order to file the case. You will have to pay a filing fee of either \$172 or \$182 depending on whether someone will be seeking maintenance.

If you believe that you are entitled to a waiver of the fee because of poverty, fill out a Petition for Waiver of Filing and Service Fees available online. **The Family Court Commissioner will determine if the fee can be waived. If you ask for a waiver, do so before paying any fees, not after.**

In re the marriage of:

ANNULMENT (Code 40201)

\_\_\_\_\_,  
Joint Petitioner,

**JOINT PETITION FOR ANNULMENT  
(no minor children)**

and

\_\_\_\_\_,  
Joint Petitioner.

Case No. \_\_\_\_\_

Both parties state as follows:

1. Wife's name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Date of birth: \_\_\_\_\_ Social Security No. \_\_\_\_\_  
 Occupation: \_\_\_\_\_
2. Husband's name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Date of birth: \_\_\_\_\_ Social Security No. \_\_\_\_\_  
 Occupation: \_\_\_\_\_
3. The parties to this action were married on \_\_\_\_\_, 19\_\_ / 20\_\_  
 at \_\_\_\_\_.
4. Indicate the grounds for the annulment:
  - a. A party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of age, mental incapacity or infirmity, or the influence of alcohol, drugs, or other incapacitating substances, or a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage. Suit may be brought by either party or by the legal representative of a party lacking the capacity to consent, no later than one year after the petitioner obtained knowledge of the described condition.
  - b. A party lacks the physical capacity to consummate the marriage by sexual intercourse, and at the time the marriage was solemnized the other party did not know of the incapacity. Suit may be brought by either party no later than one year after the petitioner obtained knowledge of the incapacity.

- c. A party was 16 or 17 years of age and did not have the consent of his or her parent or guardian or judicial approval, or a party was under 16 years of age. Suit may be brought by the underaged party or a parent or guardian at any time prior to the party's attaining the age of 18, but a parent or guardian must bring suit within one year of obtaining knowledge of the marriage.
  - d. The marriage is prohibited by the laws of this state. Suit may be brought by either party within 10 years of marriage, except that the 10-year limitation shall not apply where the marriage is prohibited because either party has another spouse living at the time of the marriage and the impediment has not been removed under Wis. Stat. § 765.24.
- 5. The  husband  wife  parties has/have been (a) resident(s) of Dane County for thirty (30) days or,  
 the parties were married in this state within one year immediately prior to the commencement of this action.
- 6. There are no minor children born to or adopted by the parties.
- 7. The wife is (not) pregnant.
- 8. No other legal action affecting this marriage has been brought by either of the parties in this state or elsewhere. (Except:
- 9. Neither party was previously married. (Except:
- 10. The parties have (not) entered into any written agreements as to support, maintenance of either party or property division.
- 11. Joint petitioners consent to the personal jurisdiction of the Jackson County Circuit Court and waive service of a summons in this action as permitted by Wis. Stat. § 767.085(3).
- 12. Joint petitioners request the following relief:
  - a. Annulment
  - b. Fair and final property settlement
  - c. Maintenance
  - d. Restoration of former legal surname
  - e. Such other relief as the court deems just and reasonable

**You are hereby notified** that pursuant to Wis. Stat. § 767.087, during the pendency of this action, both parties are prohibited from and may be held in contempt of court for:

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 otherwise 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 a circuit 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.

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

**A violation of the above restraining order may result in punishment for contempt, which may include monetary penalties, imprisonment and other sanctions as provided for in Wis. Stat. § 785.04.**

\_\_\_\_\_  
Joint Petitioner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joint Petitioner Signature

\_\_\_\_\_  
Date

12/21/04