

**INSTRUCTIONS FOR JOINT PETITION FOR LEGAL SEPARATION
(WITH MINOR CHILDREN)**

This form is intended for use by individuals who agree that their marriage is irretrievably broken or that their marital relationship is broken, and who wish to file for legal separation together. The form is to be used when the parties have children together who are under the age of 18. You can file for legal separation only if at least one of the parties has lived in Jackson County for thirty (30) days immediately before filing for legal separation. If you file a joint petition for legal separation, you do not need to file a summons. **You do not need to file for legal separation in order to file for divorce.**

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

JOINT PETITION FOR LEGAL SEPARATION

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.
5. Check whether the husband, wife or both parties have resided in Jackson County for 30 days immediately before filing for legal separation.
6. 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).
7. 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).
8. In the space provided, list the names, birthdates and social security numbers of the minor child(ren) born to or adopted by the parties.
9. If any children were born to the wife during the marriage and her husband is not the father, list those children here with their birthdates. If all children born to the wife during the marriage are children of the husband, print "none" in this section.
11. If the wife is pregnant, cross out the word "not".

12. If the parties have entered into any written agreements as to support, legal custody, physical placement of the child(ren), maintenance of either party, or property division, cross out the word “not”.
14. Circle the items that you are requesting the judge to order.
15. In the space provided, state the specific reason why you are requesting a legal separation.

Both parties must sign and date the Joint Petition for Legal Separation.

UNIFORM CHILD CUSTODY JURISDICTION ACT AFFIDAVIT

- 1 – 3. Provide the information requested on the lines indicated.
- 4 – 5. If there has ever been a court case as to custody of your children, check the “yes” box and explain where indicated. If there has never been a court case as to custody of your children, check the “no” box.
6. If any person, other than you and your spouse, has physical custody of the child or custody, visitation and placement rights, check the “yes” box and explain who it is. If no other person has such rights, check the “no” box.

Sign the Uniform Child Custody Jurisdiction Act Affidavit in front of a Notary.

Make two additional copies of the documents after you have signed them.

FILE CASE AND PAY FEE

Take the original and two copies of the forms to the Clerk of Courts, Jackson County Courthouse, 304 Main Street, Black River Falls, WI 54615 in order to file the case. You will have to pay a filing fee of \$182.

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.**

12/21/04

In re the marriage of:

LEGAL SEPARATION (Code 40201)

_____,
Joint Petitioner,

**JOINT PETITION FOR LEGAL
SEPARATION
(with 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. The grounds for legal separation are:
 - a. The marriage is irretrievably broken with no prospect for reconciliation
 - b. Or the marital relationship is broken.
5. The husband wife parties has/have been (a) resident(s) of Jackson County for thirty (30) days immediately prior to the commencement of this action.
6. No other legal action affecting this marriage has been brought by either of the parties in this state or elsewhere. (Except:
7. Neither party was previously married. (Except:

8. The following minor child(ren) has/have been born to or adopted by the parties:

Name:

Birthdate:

Social Security No.:

9. No other minor child(ren) were born to the wife during this marriage. (Except:

10. The custody information set forth on the attached form is given under oath in order to comply with Wis. Stat. § 822.09.

11. The wife is (not) pregnant.

12. The parties have (not) entered into any written agreements as to support, legal custody, physical placement of the child(ren), maintenance of either party, or property division.

13. 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).

14. Joint petitioners request the following relief:

- a. Legal separation
- b. Fair and final property settlement
- c. Orders establishing custody and physical placement
- d. Child support
- e. Maintenance
- f. The services provided under Wis. Stat. § 49.22
- g. Such other relief as the court deems just and reasonable

15. Joint petitioners state the specific reason for requesting a legal separation, pursuant to Wis. Stat. § 767.085(1)(f):

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;
3. without the consent of the other party or an order of the court or a circuit court commissioner, 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, removing a minor child of the parties from the State of Wisconsin for more than 90 consecutive days or concealing a minor child of the parties from the other party.

Except, that a violation of paragraph (3) 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 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

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Case Caption:

**Uniform Child Custody
Jurisdiction Act Affidavit**

Case No. _____

Under oath I state:

1. The child's name and present address are:

Name: _____

Present Address: _____

2. The child has lived in the following places over the last 5 years:

3. The name and present address of the persons with whom the child has lived over the last 5 years are:

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

Name: _____

Present Address: _____

Time Period: _____

4. I have participated as a witness or in any other capacity in any other litigation concerning the custody of the child.

Yes No If Yes, explain: _____

5. I have information of other custody proceedings concerning the child pending in this or any other state.

Yes No If Yes, explain: _____

6. I know of persons not a party to this proceeding who have physical custody of the child or claim to have legal custody, physical placement, or visitation rights with respect to the child.

Yes No If Yes, explain: _____

7. I understand that I have a duty to inform the court if I learn in the future of any custody or physical placement proceeding concerning the child in this or any other state.

Subscribed and sworn to before me

on: _____

Signature of Party

Notary Public, State of Wisconsin

Name Typed or Printed

My commission expires: _____

Date