

-INSTRUCTIONS FOR ORDER TO SHOW CAUSE FOR TEMPORARY ORDER

This form is intended for use by one of the parties to a divorce or legal separation who wants the Family Court Commissioner to enter orders on a variety of issues during the period before their case goes to trial. The commissioner has the authority to enter temporary orders as to custody, physical placement of the children, use of the family home, temporary use of property and division of debts, child support and maintenance (spousal support). Usually the party requesting a temporary order will file this document at the same time as they begin the divorce or legal separation. If the documents are filed together, the respondent can be served with the Divorce Summons and Petition as well as the Order to Show Cause for Temporary Order at the same time. **However, you do not have to request a temporary order when you start the divorce or legal separation. You can request a temporary order later in the process and serve the respondent with notice of the hearing at that time.**

STEP 1: FILL OUT THE FORM

Read and fill out the form. Type or print neatly. Please review carefully the following instructions.

ORDER TO SHOW CAUSE FOR TEMPORARY ORDER FORM:

Fill in the names of the parties and their addresses at the top of the page.
Fill in the case number if you know it.
Leave the rest of the form blank.

AFFIDAVIT FOR TEMPORARY ORDER FORM:

Fill in the names of the parties at the top of the page.
Fill in the case number if you know it.
Fill in your name at the beginning of the first sentence under the caption before the language “being first duly sworn, on oath, state as follows:

SECTION 1:

Circle whether you are the Petitioner or the Respondent. Fill in your address.

SECTION 2:

Fill in the other party’s address.

SECTION 3:

Fill in the date you were married.
Fill in the county and state in which you were married after the word “at”.

SECTION 4:

If you have minor children, check the box to indicate who is caring for the children. Fill in the names, dates of birth and social security numbers of the children. If you do not have minor children with your spouse, cross off section 4.

SECTION 5:

Please indicate by checking the appropriate box who should be given temporary legal custody of the children.
Please indicate by checking the appropriate box who should be given primary placement of the minor children.
If you do not have minor children with your spouse, cross off this section.

SECTION 8: (page 2)

If you want your spouse ordered to leave your home, you must include an explanation here as to why it is in your best interest or the best interest of any minor children for your spouse to be ordered to leave.
If you do not want your spouse ordered to leave your home, cross out this section.

SECTION 9: (page 2)

Put an “x” before all the items which you want the commissioner to order.
Where there are boxes, check either “petitioner” or “respondent” or “both parties” depending upon what you will be asking the commissioner to order.

SIGNATURE LINE (page 3)

Sign your name to the form in the presence of a notary public.

MAKE THREE ADDITIONAL COPIES OF YOUR DOCUMENTS AFTER YOUR SIGNATURE IS NOTARIZED

STEP 2: OBTAIN A COURT DATE.

If you are filing for a temporary order hearing at the same time as you file your divorce or legal separation:

1. Go to the Clerk of Courts' Office, Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615, pay your filing fee to start the action and file your papers to begin your case. There is no additional fee to file for a temporary order.
2. Go to the Family Court Commissioner's Office, 107 Main Street, Black River Falls, WI 54615, to obtain a hearing date and have a commissioner sign your Order to Show Cause for Temporary Order.
3. Obtain two Financial Disclosure Statement forms online. Attach one form to the documents to be served on the other party. Keep one form for yourself.

If you are filing for a temporary order hearing after you earlier filed papers to begin your divorce or legal separation: Follow 2 + 3 outlined above.

STEP 3: SERVE THE ORDER TO SHOW CAUSE FOR TEMPORARY ORDER AND AFFIDAVIT.

You must serve the other party to the divorce or legal separation with the temporary order documents and a blank financial fact sheet form.

Service by Sheriff

If the other party lives in Jackson County, you may have the documents served on the other party by the Civil Process Division of the Jackson County Sheriff's Department, 30 N. 3rd Street, Black River Falls, WI 54615. The sheriff will need two copies of the forms you filed in Step 2. There is a \$30 charge for every service attempt plus 50 cents per mile, round trip that the process server travels. If you believe you are entitled to a waiver of the fee because of poverty, fill out an Petition for Waiver of Filing and Service Fees available online. The Family Court Commissioner will determine if the fee can be waived.

Once the documents have been served, you will be sent a proof of service. You must bring this proof of service to the hearing. If the person to be served lives outside of Jackson County, call the sheriff in that county for instructions on service of the papers.

Service by Private Process Server

You may use a private process server to serve the documents. Look in the yellow pages under "process servers". Once the documents have been served, you will be sent a proof of service. You must bring this proof of service to the hearing.

Service on Child Support Agency

If either party is receiving any form of public assistance for the minor children, you must also provide a copy of your documents to the Jackson County Child Support Agency, 420 Hwy 54 W. Black River Falls, WI 54615.

STEP 4: ATTEND THE HEARING

Bring the proof of service to the hearing. Present your case to the Family Court Commissioner.

Bring an original and two copies of all documents referred to in Section 5 on page one of the Order to Show Cause for Temporary Order.

In re the marriage of:

**ORDER TO SHOW CAUSE
FOR TEMPORARY ORDER**

Joint Petitioner/Petitioner

And

CASE

Joint Petitioner/Respondent.

Upon the attached affidavit, **IT IS ORDERED** that the Petitioner and Respondent appear in person before the following commissioner at the time and place indicated below:

Family Court Commissioner, Mark C. Skolos
Jackson County Courthouse, County Board Room, 2nd floor
307 Main Street
Black River Falls, WI 54615

DATE/TIME: _____

and show cause why a Temporary Order should not be entered pending judgment in this action, pursuant to WI Stats 767.23(1), for the relief requested in the attached Affidavit.

IT IS FURTHER ORDERED that pending the hearing on this order:

1. The parties are prohibited from removing the minor child(ren) from the jurisdiction of the Court and from interfering with the parental rights of the other parent.
2. Both parties are restrained from disposing of or encumbering assets within the court's jurisdiction.
3. Both parties are restrained from imposing any restraints on the other spouse's personal liberty.
4. Both parties are required to act in good faith with respect to the other spouse in matters involving property, according to WI Stats 766.15 (1) which include refraining from damaging the other spouse's property and substantially injuring marital property.
5. Both parties shall produce, at the hearing, wage statements for the 12 weeks prior to the hearing, a completed financial fact sheet, and copies of any state or federal income tax returns for the last two tax years.

A copy of this order, together with the attached papers shall be served upon _____, in person, at least five (5) business days before the time of the hearing.

Dated at Black River Falls, Wisconsin, this _____ day of _____, 20____.

Family Court Commissioner

In re the marriage of:

_____ **Joint Petitioner/Petitioner**

And

Joint Petitioner/Respondent.

**AFFIDAVIT FOR
TEMPORARY ORDER**

CASE #

STATE OF WISCONSIN
JACKSON COUNTY

I, _____, being first duly sworn, on oath, state as follows:

1. I am the Petitioner/Respondent in this action for divorce and currently reside at

_____.

2. The other party currently resides at:

_____.

3. The parties were married on _____ at

_____ (Date) (County & State)

and have been husband and wife ever since.

4. The parties have the following minor child(ren), currently in the care and custody of the

Petitioner Respondent

<u>Child's Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. The welfare and best interests of the child(ren) require(s) that Petitioner Respondent
 both parents be awarded temporary legal custody of the children.
Primary physical placement of the children should be with the Petitioner
Respondent both parents.

6. The parties have not agreed on an economic arrangement during the pendency of this action and there is a need for certain orders.
7. In order to preserve the property of the parties pending the trial of this action and to protect the legal rights of the parties and the children, there is a need for the orders I am requesting.
8. It is in the best interests of the family, that my spouse be required to vacate our residence because:

9. I request that a hearing be held and the following temporary orders be entered pursuant to the provisions of WI Stats 767.23(1)

- a. Granting sole/joint legal custody of the minor child(ren) to Petitioner Respondent
 Other: _____
- b. Granting periods of physical placement to each of the parties.
- c. Prohibiting the removal of the minor child(ren) from the court's jurisdiction or the interference with the parental rights of either party.
- d. Requiring Petitioner Respondent to pay child support for the minor child(ren).
- e. Requiring Petitioner Respondent to pay for the maintenance of the other spouse
- f. Requiring Petitioner Respondent Both parties to maintain the minor children as beneficiaries on any health insurance policy or plan.
- g. Requiring Petitioner Respondent to contribute towards the costs of maintaining this action.
- h. Requiring Petitioner Respondent to pay a reasonable share of the debts of the parties or perform other actions in relation to the persons or property of the parties.
- i. Awarding temporary occupancy of the residence of the parties to Petitioner Respondent
- j. Dividing the property of the parties.
- k. Requiring Petitioner Respondent to vacate the residence of the parties and restraining him/her from coming upon the premises.
- l. Requiring immediate automatic income assignment pursuant to WI Stats 767.265.

- m. For other relief the Court or Family Court Commissioner may deem just and reasonable.

Petitioner pro se

Subscribed and sworn to before me
this _____ day of _____, 20____

Notary Public, State of Wisconsin
My Commission expires _____.

12-21-04