


	Ozaukee County Clerk of Circuit Court	
	<b>Filing <u>Separately</u> for Divorce or Legal Separation <u>With</u> Minor Children</b>	Revised: April 11, 2023  Page 1 of 3

**NOTICE:** This guideline is provided as a public service and is not intended to be legal advice. If you have any questions about forms or procedures, please contact an attorney, as staff members cannot give legal advice.

**TO OPEN:** Divorce or Legal Separations are opened by filing the forms listed below with the Ozaukee County Clerk of Circuit Court office. You can file your forms in person, by mail or by [electronic filing](#). Forms can be found online at [www.wicourts.gov](http://www.wicourts.gov).

**FILING FEES:** A filing fee is required at time of filing. If you plan to pay with a credit or debit card, there will be a 4% fee added. The filing fees are as follows:

\$184.50 *without* request for maintenance and/or child support

\$194.50 *with* request for maintenance and/or child support


***If you are unable to pay the filing fee,  
you can file the below forms to see if the court will waive it***

Form Number	Name of Form
<a href="#">CV-410A</a>	Petition for Waiver of Fees and Costs Affidavit of Indigency
<a href="#">CV-410B</a>	Order on Petition for Waiver of Fees and Costs

**TO OPEN A DIVORCE/LEGAL SEPARATION CASE,** please file the following:

Form Number	Name of Form
<a href="#">FA-4104V</a>	Summons With Minor Children
<a href="#">FA-4108V</a>	Petition With Minor Children
<a href="#">GF-179</a>	Confidential Petition Addendum

(Go to the next page to review optional forms and additional information)

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**OPTIONAL FORMS:**

Form Number	Name of Form	Summary
<a href="#">FA-4126VA</a> / <a href="#">FA-4126VB</a>	Stipulation for Temporary Order with Minor Children / Temporary Order with Minor Children	Used if parties wish to have temporary orders set while the case is pending and they DO agree on the issues
<a href="#">FA-4128VA</a> / <a href="#">FA-4129VA</a>	Affidavit to Show Cause and Request for Hearing for Temporary Order with Minor Children / Order to Show Cause with Minor Children	Used if parties wish to have temporary orders set while the case is pending and they DO NOT agree on the issues
<a href="#">FA-4134V</a>	Request for Court Ordered Mediation	Used to request the court order the parties attend mediation to discuss issues relating to custody and placement. \$200 deposit required.

The ProSe Facilitator will review your case 60 days after the date of filing and set a review to go over the status of the case with you. You will receive a notice of hearing for the review, please read it closely. If you have any questions please contact the ProSe Facilitator at:

Sarah Preisler  
sarah.preisler@wicourts.gov  
Phone: 262-284/238-8412  
Fax: 262-284/238-8491

(Go to the next page to review a procedure checklist)

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### CHECKLIST

*All documents referenced below must be filed before a stipulated divorce hearing (final hearing) will be scheduled. A stipulated divorce hearing will not be held prior to the expiration of the 120-day waiting period.*

- Serve** the Summons, Petition, Confidential Petition Addendum, and any additional forms that were filed, on the respondent – refer to Service Instruction Packet ([FA-5000V](#)) and [local rules](#)
- File** proof of service for the above documents. The 120-day waiting period does not start until the other party is served and proof is filed with the court.
- Together complete** and file a Marital Settlement Agreement ([FA-4150V](#))
- Complete** and file Financial Disclosure Statements ([FA-4139V](#)) - each party to complete
- Attend** a parent education program – each party to complete ONE class
  - Beyond Divorce through Ozaukee Family Services – **certificate will be filed by program**  
Phone: 262-376-7774 / Website: [www.ozaukeefamilyservices.org](http://www.ozaukeefamilyservices.org)

**OR**

- Children in Between Online – **party responsible for filing certificate**  
Phone: 877-874-1365 / Website: [online.divorce-education.com](http://online.divorce-education.com)
- File** a Legal Description of Property, if applicable
  - If you and/or your spouse own any real estate, a full and complete legal description must be filed. A legal description can be obtained from the Register of Deeds office from the county the property is located in.
- Schedule** your Stipulated Divorce Hearing/Legal Separation Hearing
  - When all above referenced forms are filed, the clerk will schedule a stipulated divorce hearing. You will receive a notice of hearing with the date, time and how to appear.
- Attend** your Stipulated Divorce Hearing/Legal Separation Hearing
  - Have all documents that have been filed with the court with you for the hearing.



# *Circuit Court of Ozaukee County*

**Barry J. Boline**

Court Commissioner  
OZAUKEE COUNTY JUSTICE CENTER  
1201 S. SPRING STREET  
P.O. BOX 994  
PORT WASHINGTON WI 53074

Jaclyn McCoy  
*Deputy Clerk*

## NOTICE OF SERVICES AVAILABLE AND OF PARENT EDUCATION REQUIREMENTS

Children have concerns about how family law actions are going to affect them. Even very young children will realize that things are changing in their lives. If you have minor children, you are required by Wisconsin Statute number 767.401 to attend an education program on what you can do to help your children understand these changes. For your convenience, we have enclosed a brochure for one such program available locally at minimal cost. You may choose to attend a different one, but your case cannot be finalized until you have attended such a program. The program will take four hours or less to complete.

Please contact us if you need more information or have questions about:

1. The procedure for obtaining a final judgment or order in your action;
2. The major issues usually addressed in such an action;
3. The procedure for setting, modifying and enforcing child support and legal custody or physical placement judgment or orders;
4. Information on mediation for custody or placement of children;
5. A list of related services available in Ozaukee County.

When requesting the above information, please include your case number and indicate what type of information you want.

You may inspect, at my office, a copy of the laws generally pertinent to your action. Printed copies of the law are available and you may place an order to purchase a copy from this office.

In most cases, I am not allowed to speak with you personally; you should direct your request to my administrative staff, but we cannot offer you legal advice or recommendations. The law as it applies to your fact situation may be very complicated, and you should discuss those matters with your attorney.

Barry J. Boline  
Family Court Commissioner

## OZAUKEE COUNTY FAMILY LAW ASSISTANCE CENTER

The Family Law Assistance Center is available every Wednesday - 11:30 a.m. to 12:30 p.m. to provide assistance for Family and Paternity cases.

The Assistance Center is located in Room 204 of the Ozaukee County Justice Center.

The attorneys at the Assistance Center cannot give legal advice. They are available to provide information and the following type of assistance:

1. Information about the process, such as:
  - How to file a case or request a hearing
  - How to serve the other parties on the case
  - Courtroom procedures
2. What type of information needs to be provided on the forms.
3. Referral to the State Bar Lawyer Referral and Information Service for individuals who want to obtain legal advice or speak with an attorney about their case.

Note: Forms and instructions will be provided free of charge at the Family Law Assistance Center, however there may still be filing fees or service fees to commence a court action.

Forms and instructions are available online at [www.wicourts.gov](http://www.wicourts.gov) under **forms/circuit court/family**.

Volunteers cannot do the following:

- **Provide legal advice** or recommend a specific course of action
- Apply the law to the facts of a given case, or give directions regarding how an individual should respond or behave in any aspect of the legal process
- Recommend whether to file a petition or other pleadings
- Recommend phrasing for or specific content of pleadings
- Fill in a form, unless required by the Americans with Disabilities Law
- Recommend specific individuals against whom to file a petition or other pleadings
- Recommend specific type of claims or type of argument to assert in pleadings or at trial
- Recommend what type or amount of damages to seek or the specific individuals from whom to seek damages
- Recommend specific questions to ask a witness or litigant
- Recommend specific techniques for present evidence in pleadings or at trial
- Recommend which objections to raise regarding an opponent's pleadings or motion at a trial or when and how to raise such objections
- Recommend when or whether an individual should request or oppose an adjournment
- Recommend when or whether an individual should settle a dispute
- Recommend whether an individual should appeal a decision of the court
- Interpret the meaning or implications of statutes or appellate court decisions as they may apply to an individual case
- Perform legal research

**WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES  
PERCENTAGE OF INCOME STANDARD -- CHILD SUPPORT GUIDELINES**

**AUTHORITY AND PURPOSE**

Wis. Stats. Sec. 49.22(9) requires the Department to adopt and publish a standard, based upon a percentage of the gross income and assets of either or both parents, to be used by courts in determining child support obligations. Chapter DCF 150 of the Wisconsin Administrative Code establishes Wisconsin's percentage of income standard for child support. It is based upon the principle that the child's standard of living should, to the degree possible, be the same as if the child's parents were living together.

Chapter DCF 150 defines the income upon which the support obligation is based, and sets the percentages of income for computing the support obligation based upon a number of children. It also explains optional procedures for adjusting the obligation when the parents share placement, when the payer has an obligation to support another family, or when the payer has particularly high or low income.

**APPLICABILITY**

The percentage standard applies to any temporary and final order for child support, including child support stipulations agreed to by both parents and modifications of existing child support orders. When used to calculate family support, the amount determined under the standard should be increased by the amount necessary to provide a net family support payment, after state and federal income taxes are paid, of at least the amount of a child support payment under the standard.

**DEFINITION OF INCOME AND ASSETS**

Chapter DCF 150 defines gross income as income from any source, whether or not it is reported or taxed under federal law. The income can be in the form of money, property, or services. Public assistance or child support received from previous marriages or business expenses which the court determines are reasonably necessary for the production of income or operation of a business are subtracted, and wages paid to dependent household member are added to determine "gross income available for child support."

The court may also determine that income may be "imputed" (assumed at a given level) based on earning capacity and/or assets, and that imputed income is added to the gross income for the calculation of the support obligation.

**THE PERCENTAGE STANDARD**

The percentages are:	17% for one child
	25% for two children
	29% for three children
	31% for four children
	34% for five or more children

Wisconsin Statutes require temporary and final support orders to be expressed as fixed sum in most situations.

For further details, refer to Chapter DCF 150 of the Wisconsin Administrative Code and Wisconsin Statute Chapter 767 Actions Affecting the Family. (Choose "Wisconsin Law" on <http://www.legis.state.wi.us> )

## NOTICE OF PERCENTAGE STANDARD – PATERNITY OR DIVORCE

### **Wis. Stats. § 767.80 DETERMINATION OF PATERNITY or § 767.215 PETITION AND RESPONSE**

Wis. Stats. §§ 767.80(7) and 767.215(1)(b) The clerk of court shall provide without charge, to each person bringing an action under this section, except to the state under Wis. Stats. § 767.80(1)(g) or (6m), a document setting forth the percentage standard established by the department under Wis. Stats. § 49.22(9) and listing the factors which a court may consider under Wis. Stats. § 767.511(1m).

### **STATUTORY FACTORS COURTS MAY CONSIDER IN DETERMINING CHILD SUPPORT AWARDS - PATERNITY OR DIVORCE**

Wis. Stats. § 767.511(1m) Upon request by a party, the court may modify the amount of child support payments determined under Wis. Stats. § 767.511(1j) if, after considering the following factors, the court finds by the greater weight of the credible evidence that use of the percentage standard is unfair to the child or to any of the parties:

- (a) The financial resources of the child.
- (b) The financial resources of both parents.
- (bj) Maintenance received by either party.
- (bp) The needs of each party in order to support himself or herself at a level equal to or greater than that established under 42 USC 9902 (2).
- (bz) The needs of any person, other than the child, whom either party is legally obligated to support.
- (c) If the parties were married, the standard of living the child would have enjoyed had the marriage not ended in annulment, divorce or legal separation.
- (d) The desirability that the custodian remain in the home as a full-time parent.
- (e) The cost of day care if the custodian works outside the home, or the value of custodial services performed by the custodian if the custodian remains in the home.
- (ej) The award of substantial periods of physical placement to both parents.
- (em) Extraordinary travel expenses incurred in exercising the right to periods of physical placement under Wis. Stats. § 767.41.
- (f) The physical, mental and emotional health needs of the child, including any costs for health insurance as provided for under Wis. Stats. § 767.513.
- (g) The child's educational needs.
- (h) The tax consequences to each party.
- (hm) The best interests of the child.
- (hs) The earning capacity of each parent, based on each parent's education, training and work experience and the availability of work in or near the parent's community.
- (i) Any other factors which the court in each case determines are relevant.