

# FILING FOR DIVORCE WITHOUT CHILDREN – Separately (Filing Fee = \$184.50)

*We strongly suggest that you follow the checklist below one step at a time and do not work ahead. Keep this checklist with your papers until your divorce is final.*

## PROCEDURE CHECKLIST

- Complete** Summons (FA-4105) and Petition (FA-4109)
- Complete** Confidential Petition Addendum (GF-179)
- Complete** Divorce/Annulment Worksheet leaving the Decree Information area blank
- Make 2 copies** of all pages of the above documents
- Bring** the Original and 2 copies to the Clerk of Courts office for filing during regular business hours along with \$184.50 filing fee in cash, check or money order payable to Clerk of Courts, or debit/credit card (**additional fee required for credit/debit card payments**).  
(Each party must complete form CV-410A Petition for Waiver of Fees and Costs if requesting waiver of filing fee. Upon the court approving the fee waiver, clerk will either mail to party or contact party to return to the Clerks office to pickup paperwork.)
  - Once payment is made or waiver is approved, the Clerk will open a case, file stamp all three copies of each form, keep the original, and return the two copies to you (one for each party).
- Have papers served** on the opposing party
  - You are required to have the other party personally served with these papers plus a blank Financial Disclosure form (FA-4139) and to **file a Proof of Service** document with the Clerk of Courts as soon as possible. See Personal Service on forms FA5000-FA5005 and FA4118-FA4120 for your service options and requirements.
  - The divorce process can be completed after a minimum of 120-days has passed. The waiting period begins upon service of the Summons and Petition on the other party.
- File** Financial Disclosure (FA-4139) within 90 days or prior to a Temporary Order Hearing  
(Wisconsin Statutes require each party to file a Financial Disclosure Statement (FA-4139) within 90-days of service of the Summons and Petition. Be sure to include the required attachments as indicated on the form under #1.)  
If you are still residing together and sharing assets and debts, you may complete one form together. You will need an additional copy of page one (each completing one) and both of you will need to sign the last page.
  - Bring the Original and **2 copies** of the completed form FA-4139 to the Clerk of Courts for filing.
  - The clerk will check for completion and signatures and file-stamp all copies returning the original and one copy to you (one for each party).
- Decide** if you need Temporary Orders  
The parties may desire Temporary Orders in place at any point in the process until the divorce/legal separation is granted for such matters as:
  - Maintenance (spousal support)
  - Whether one of the parties should be ordered out of the home
  - Who should have the use (not ownership) of certain property (such as bank accounts and vehicles)
  - Who should make various payments on debts (such as mortgage payment)
  - You cannot agree on child support, custody, and placement
- No I do not need Temporary Orders** – skip over to  
**“\*Together you must complete a Marital Settlement Agreement”** on page 2

Yes I do need Temporary Orders

**If the parties DO NOT agree on temporary orders, you will need to complete** an Order to Show Cause and Affidavit for Temporary Orders (FA-4129VA & FA-4129VB). A packet with instructions is available on the self-help tower in Clerk of Court Lobby.

**If the Parties DO agree on temporary orders, you will need to complete a** Stipulation for Temporary Order. With Minor Children (FA-4127VA & FA-4127VB). A packet with instructions is available on the self-help tower in the Clerk of Court Lobby.

\*\*\*\*\*

**\*Together you must complete a Marital Settlement Agreement (FA-4151)**

**Make 2 copies** of this completed form (FA-4151)

**Bring** this to the Clerk of Court for filing. The clerk will check for completion and signatures and file stamp all 3 copies returning the original and one copy to you. You must provide the other party with the copy and retain the original for your records. (Both parties should bring all of their filed paperwork to the final hearing.)

**Watch your mail for communication from the Court Commissioner's Office**

- Your **Marital Settlement Agreement** will be reviewed for completion by the Court Commissioner's assistant and then the Court Commissioner.
  - If not approved, a letter will be sent to the parties from the Court Commissioner indicating what needs to be corrected. Make the corrections indicated in the letter, make copies and file as indicated above.
  - If approved, your Stipulated Divorce Hearing will be scheduled, and a Notice of Hearing will be sent to the parties directing you to complete a Findings of Fact, Conclusions of Law, and Judgment of Divorce.
- **No hearing shall be held prior to the expiration of the 120-day waiting period**

**Complete a Findings of Fact, Conclusions of Law, and Judgment of Divorce (FA-4161VA)** entering the court date on page one where indicated.

**Bring** this to the Clerk of Court for filing **as soon as possible**. Any delay may result in your hearing being cancelled. The clerk will check for completion and accept for filing.

**Attend** your Final Divorce Hearing

- Wisconsin law requires both parties appear for the final divorce hearing.
- If one party cannot appear due to a move out of state or work requirements, etc., that party may request to appear by telephone by contacting the court's judicial assistant at least two weeks prior to the final hearing **at 715-839-6029**.
- Alternately, if one party chooses not to appear or cannot appear at the final hearing and has signed ALL of the required forms, he/she may waive their appearance by requesting a WAIVER OF APPEARANCE form from the Clerk of Court Office. This form must contain the date of the final hearing, must be signed before a Notary Public, and must be filed at least two weeks prior to the final hearing.

**Upon completion of the final hearing, each party will be mailed a signed, file-stamped copy of The Findings of Fact, Conclusions of Law, and Judgment of Divorce document FA-4161. If the Court has granted you the right to resume a former surname, you may pay \$5 for a certified copy in the Clerk of Courts office immediately following your hearing and the document sent to you will be certified.**

All numbered forms referenced can be found at [www.wicourts.gov](http://www.wicourts.gov) under forms → circuit court → family → view all family forms

See the Clerk of Courts website for further information at: <http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>

This form is available in Spanish.  
<https://www.wicourts.gov/forms1/circuit/index.htm>  
*Este formulario está disponible en español.*

Enter the name of the county in which you are filing this case.	<b>STATE OF WISCONSIN, CIRCUIT COURT, EAU CLAIRE COUNTY</b>
Enter your name (you are the petitioner).	<b>IN RE: THE MARRIAGE OF Petitioner</b>
Enter your address.	Name (First, Middle and Last) _____ Address _____ Address _____ City State Zip _____ and <b>Respondent</b>
On the far right, check divorce or legal separation.	
Enter your spouse's name (your spouse is the respondent).	Name (First, Middle and Last) _____ Address _____ Address _____ City State Zip _____
Enter your spouse's address.	
<b>Note:</b> Leave case number blank; the clerk will add this.	

**Summons  
Without Minor Children**

- Divorce** - 40101  
 **Legal Separation** - 40201

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

- One or both parties require the services of an interpreter. Which party? \_\_\_\_\_  
 Which language? \_\_\_\_\_ Complete and file the Interpreter Request ([GF-149](#)) form.

**The State of Wisconsin, to the person named above as respondent:**

You are notified that your spouse has filed a lawsuit or other legal action against you. The **Petition**, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this **Summons**, you must provide a written response, as that term is used in ch. 802, Wis. Stats., to the **Petition**. The court may reject or disregard a response that does not follow the requirements of the statutes.

The response must be sent or delivered to the following government office:

**Clerk of Court**

Name of county Eau Claire  
 Address 721 Oxford Avenue  
 Address Suite 2220  
 City, State, and Zip Eau Claire, WI 54703

The response must also be mailed or delivered within 20 days to the petitioner at the address above.

It is recommended, but not required, that you have an attorney help or represent you.

If you do not provide a proper response within 20 days, the court may grant judgment against you, and you may lose your right to object to anything that is or may be incorrect in the **Petition**.

Enter the name and address of the identified government office. **DO NOT** leave these lines blank. You must obtain these addresses and fill them in, or your Summons will be incomplete and will harm your case. This information may be available in the local phone book under listings for the county or from your local Clerk of Court's office.

A judgment may be enforced as provided by law. A judgment may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require reasonable accommodations due to a disability to participate in the court process, please call 715-839-4816 prior to the scheduled court date. Please note that the court does not provide transportation.

Sign and print your name.  
Enter the date on which  
you signed your name.

**Note:** This signature  
does not need to be  
notarized.

Signature

Name Printed or Typed

Address

Email Address

Telephone Number

Date

State Bar No. (if any)

This form is available in Spanish.  
<https://www.wicourts.gov/forms1/circuit/index.htm>  
**Este formulario está disponible en español.**

Enter the name of the county in which you are filing this case.	<b>STATE OF WISCONSIN, CIRCUIT COURT, EAU CLAIRE _____ COUNTY</b>
Enter your name (you are the <b>petitioner</b> ).	IN RE: THE MARRIAGE OF
Enter your address.	<b>Petitioner</b>
On the far right, check divorce or legal separation.	Name (First, Middle and Last) _____
	Address _____
	Address _____
	City _____ State _____ Zip _____
	and
Enter the respondent's name (the other party is the <b>respondent</b> ).	<b>Respondent</b>
Enter the respondent's address.	Name (First, Middle and Last) _____
	Address _____
	Address _____
	City _____ State _____ Zip _____

**Petition  
Without Minor Children**

**Divorce** - 40101  
 **Legal Separation** - 40201

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

Check if interpreter is required and indicate party and language.

One or both parties require the services of an interpreter. Which party? \_\_\_\_\_  
 Which language? \_\_\_\_\_ Complete and file the Interpreter Request ([GF-149](#)) form.

**I am the Petitioner in this action.**

Enter your date of birth [month, day, year].
For 2, 3, 4, and 5, check yes or no. <b>Military personnel:</b> Please see Basic Guide to Divorce/Legal Separation.
For 5, check yes or no.
Enter the respondent's date of birth [month, day, year].
For 2, 3, 4, and 5, check yes or no.

- A. I am providing the following information about myself:**
- Date of birth \_\_\_\_\_.
  - Immediately before filing this Petition, I will have lived in this county for 30 days or more.  
 **Yes**     **No**
  - Immediately before filing this Petition, I will have lived in the state of Wisconsin for 6 months or more.  
 **Yes**     **No**
  - I am currently on active duty as a member of the Armed Forces of the United States of America or its allies.  
 **Yes**     **No**
  - I am currently pregnant.  
 **Yes**     **No**
- B. I am providing the following information about the respondent:**
- Date of birth \_\_\_\_\_.
  - Immediately before filing this Petition, the respondent will have lived in this county for 30 days or more.  
 **Yes**     **No**

**Military personnel:**  
Please see Basic Guide  
to Divorce/Legal  
Separation.

3. Immediately before filing this Petition, the respondent will have lived in the state of Wisconsin for 6 months or more.  
 **Yes**     **No**
4. The respondent is currently on active duty as a member of the Armed Forces of the United States of America or its allies.  
 **Yes**     **No**
5. The respondent is currently pregnant.  
 **Yes**     **No**

Enter the date [month, day, year], city, and state in which you were married.

Check a or b. If b, explain why you are filing for legal separation and not a divorce.

Check a or b. If b, enter the county and state in which it was filed, the case number assigned to it, and check yes or no to indicate if the case has been dismissed.

Check yes or no. If no, respond to 5a-5d with information about your most recent previous marriage.

Check yes or no. If no, respond to 6a-6d with information about the respondent's most recent previous marriage, if known.

If the respondent's had an additional previous marriage, respond to 6e-6h.

**C. I am providing the following marriage information:**

1. The respondent and I were married on [Date] \_\_\_\_\_.
2. We were married in [City] \_\_\_\_\_ [State] \_\_\_\_\_.
3. I am filing for  
 a. **Divorce:** This marriage is irretrievably broken.  
 b. **Legal Separation:** This marriage is broken and the reason I am requesting a legal separation and not a divorce is \_\_\_\_\_
4. **Previous Actions**  
This is the first time that either party or I have filed for divorce or legal separation **from each other** in Wisconsin or in any other state:  
 a. **Yes**  
 b. **No:** County \_\_\_\_\_  
State \_\_\_\_\_  
Case No. \_\_\_\_\_  
Has this case been dismissed?  **Yes**  **No**
5. This is my first marriage.  **Yes**  **No**
  - a. I was previously married to \_\_\_\_\_.
  - b. The marriage was terminated by  **divorce.**  **death.**
  - c. Date of the divorce or death \_\_\_\_\_.
  - d. The divorce was granted in:  
Name of court \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_
  - e. I was also previously married to \_\_\_\_\_.
  - f. The marriage was terminated by  **divorce.**  **death.**
  - g. Date of the divorce or death \_\_\_\_\_.
  - h. The divorce was granted in:  
Name of court \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

*If you had more than 2 previous marriages, repeat 5e-5h on an additional sheet.*

6. This is the respondent's first marriage.  **Yes**  **No**
  - a. The respondent was previously married to \_\_\_\_\_.
  - b. The marriage was terminated by  **divorce.**  **death.**
  - c. Date of the divorce or death \_\_\_\_\_.
  - d. The divorce was granted in:  
Name of court \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_
  - e. The respondent was also previously married to \_\_\_\_\_.
  - f. The marriage was terminated by  **divorce.**  **death.**
  - g. Date of the divorce or death \_\_\_\_\_.
  - h. The divorce was granted in:  
Name of court \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_

*If the respondent had more than 2 previous marriages, repeat 6e-6h on an additional sheet.*

**D. I am providing the following information regarding children:**

Check a or b. If b, write the names and dates of birth of all **adult** children born to a party or adopted by you and the respondent during the marriage.

1.  a. No children were born to or adopted together by either party before or during our marriage.
- b. All children, who are currently age 18 or older, born to a party, or adopted together by me and the other party during the marriage include:

Name of Child	Date of Birth

Check yes or no. If yes, attach a copy of the written agreement to this petition.

2. The respondent and I have made written agreements or received orders from the court about some or all of the matters in this action such as maintenance (spousal support) or property division.
  - a. **Yes, and I have attached a copy of the written agreement to this petition.**
  - b. **No**

**I ASK THAT THE COURT:**

If you are requesting maintenance (spousal support) at this time, check yes. If not, check no.

1. Grant a judgment as requested.
2. Enter an order granting maintenance.  **Yes**  **No**
3. Enter other orders as it deems just and equitable.

**ACTS PROHIBITED BY STATUTE**

Neither party to this divorce or legal separation action can participate in any of the following activities while this action is pending:

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 in any other way disposing of property owned by either or both of the parties, without the consent of the other party or an order of the court, 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.

A VIOLATION OF THE ABOVE PROHIBITIONS MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT, AND OTHER SANCTIONS AS PROVIDED FOR IN §785.04, WIS. STATS.

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

Sign and print your name. Enter the date on which you signed your name.

**Note: This document does not need to be notarized.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name Printed or Typed

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email Address Telephone Number

\_\_\_\_\_  
Date State Bar No. (if any)





Petitioner/Joint Petitioner A: \_\_\_\_\_  
 Respondent/Joint Petitioner B: \_\_\_\_\_

Enter the name of the county in which this case is filed.	<b>STATE OF WISCONSIN, CIRCUIT COURT, EAU CLAIRE COUNTY</b>
<b>This form is used for family and paternity case types. Some information may not apply to your case.</b>	<b>Petitioner/Joint Petitioner A:</b> _____ Name (First, Middle and Last)
Enter the case number and child support IV-D KIDS number, if known.	<b>Respondent/Joint Petitioner B:</b> _____ Name (First, Middle and Last)
	Case No. _____ IV-D KIDS Case No. _____

## Confidential Petition Addendum

Enter the name, date of birth [month, day, year], and social security number of each party.

**1. Parties**

- A. Petitioner/Joint Petitioner A/Alleged Parent: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_ Phone No. \_\_\_\_\_
- B. Respondent/Joint Petitioner B/Alleged Parent: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_ Phone No. \_\_\_\_\_
- C. Other party: (if any) \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ SS#: \_\_\_\_\_ Phone No. \_\_\_\_\_

See attached

Enter the name, date of birth [month, day, year], and social security number of each minor child. If there are no minor children, check none. Attach additional pages if necessary.

**2. Minor Child(ren) that we have together**

- A. The minor child(ren) of the other party and me (born or adopted) before or during the marriage/relationship are:

None

Name of Minor Child	Date of Birth	SS#

See attached

**B. Other Minor Child(ren)**

If this is a divorce or legal separation, list **other** minor child(ren) born to either party during this marriage, but not fathered by the other party:

None

Name of Minor Child	Date of Birth	SS#	Parent

See attached

The party(s) filing this addendum must sign and print your name and date the document.

Signature	Signature
Name Printed or Typed	Name Printed or Typed
Address	Address
Email Address	Telephone Number
Date	State Bar No. (if any)



**DIVORCE / ANNULMENT WORKSHEET**

CANNOT BE USED AS PROOF OF DIVORCE

The maximum penalty for providing false information used to create a vital record is one thousand dollars (\$1,000) or ninety (90) days in jail or both, per Wis. Stats. § 69.24.

The Clerk of Court is responsible for filing an accurate and complete Divorce / Annulment Worksheet with the State Vital Records Office for every divorce or annulment finalized in that court per Wis. Stats. §§ 69.08 and 69.17.

<b>PARTY A</b>			
1. CURRENT NAME: First	Middle	Last	Suffix
2. BIRTH NAME: First	Middle	Last	Suffix
3. DATE OF BIRTH (MM/DD/YYYY)	4. RESIDENCE - COUNTRY/STATE	5. RESIDENCE - COUNTY	6. SOCIAL SECURITY NUMBER
<b>PARTY B</b>			
7. CURRENT NAME: First	Middle	Last	Suffix
8. BIRTH NAME: First	Middle	Last	Suffix
9. DATE OF BIRTH (MM/DD/YYYY)	10. RESIDENCE - COUNTRY/STATE	11. RESIDENCE - COUNTY	12. SOCIAL SECURITY NUMBER
<b>MARRIAGE INFORMATION</b>			
13. MARRIAGE - DATE (MM/DD/YYYY)		14. MARRIAGE - COUNTRY/STATE	
<b>DECREE INFORMATION</b>			
15. DATE OF DECREE (MM/DD/YYYY)	16. TYPE OF DECREE <input type="checkbox"/> Divorce <input type="checkbox"/> Annulment	17. COURT CASE NUMBER	18. COUNTY OF DECREE
I certify that this document reflects the facts concerning the dissolution of the marriage of the above named parties.			
19. CLERK OF COURT/DEPUTY SIGNATURE		20. DATE SIGNED (MM/DD/YYYY)	

**DIVORCE / ANNULMENT WORKSHEET**  
**INSTRUCTIONS FOR COMPLETING THE DIVORCE / ANNULMENT WORKSHEET**

Sections for Party A, Party B, and Marriage Information must be completed by either the parties themselves or their attorney. Section for Decree Information must be completed and signed by the Clerk of Court or Deputy. The Clerk of Court must file the worksheet with the State Vital Records Office.

**PARTY A**

1. **CURRENT NAME - FIRST, MIDDLE, LAST, SUFFIX** - Enter the current first name, middle name, and last name of Party A. Enter a suffix (Jr, Sr, etc.), if applicable.
2. **BIRTH NAME - FIRST, MIDDLE, LAST, SUFFIX** - Enter the birth first name, middle name, and last name of Party A. Enter a suffix (Jr, Sr, etc.), if applicable.
3. **DATE OF BIRTH (MM/DD/YYYY)** - Enter the exact month, day, and year Party A was born.
4. **RESIDENCE - COUNTRY/STATE** - Enter the name of the state of residence of Party A, if residing in the United States. If residing outside of the United States, enter the geographic location of the country of residence.
5. **RESIDENCE - COUNTY** - Enter the name of the county of residence of Party A, if residing in the United States. If residing outside of the United States, leave this field blank.
6. **SOCIAL SECURITY NUMBER** - Enter Party A's social security number. This number is kept confidential and will not appear on the divorce certificate. Enter all 9s if Party A does not have a social security number.

**PARTY B**

7. **CURRENT NAME - FIRST, MIDDLE, LAST, SUFFIX** - Enter the current first name, middle name, and last name of Party B. Enter a suffix (Jr, Sr, etc.), if applicable.
8. **BIRTH NAME - FIRST, MIDDLE, LAST, SUFFIX** - Enter the birth first name, middle name, and last name of Party B. Enter a suffix (Jr, Sr, etc.), if applicable.
9. **DATE OF BIRTH (MM/DD/YYYY)** - Enter the exact month, day, and year Party B was born.
10. **RESIDENCE - COUNTRY/STATE** - Enter the name of the state of residence of Party B, if residing in the United States. If residing outside of the United States, enter the geographic location of the country of residence.
11. **RESIDENCE - COUNTY** - Enter the name of the county of residence of Party B, if residing in the United States. If residing outside of the United States, leave this field blank.
12. **SOCIAL SECURITY NUMBER** - Enter Party B's social security number. This number is kept confidential and will not appear on the divorce certificate. Enter all 9s if Party B does not have a social security number.

**MARRIAGE INFORMATION**

13. **DATE OF MARRIAGE (MM/DD/YYYY)** - Enter the exact month, day, and year the marriage occurred.
14. **MARRIAGE - COUNTRY/STATE** - Enter the name of the state where the marriage occurred, if the marriage occurred in the United States. If the marriage occurred outside of the United States, enter the country where the marriage occurred.

**DECREE INFORMATION (This section to be completed by the Clerk of Court.)**

15. **DATE OF DECREE (MM/DD/YYYY)** - Enter the exact month, day, and year the divorce/annulment was granted.
16. **TYPE OF DECREE** - Check the appropriate box for the type of decree issued.
17. **COURT CASE NUMBER** - Enter the court case number assigned to the decree.
18. **COUNTY OF DECREE** - Enter the name of the county in which the decree was granted.
19. **CLERK OF COURT/DEPUTY SIGNATURE** - The Clerk of Court or Deputy must sign.
20. **DATE SIGNED (MM/DD/YYYY)** - Enter the exact month, day, and year the Clerk of Court signs the certificate.