

DIVORCE

The website www.wicourts.gov will provide you with nearly all of the information you need to know about how to start a divorce action. If you follow the instructions it will even help you complete the appropriate forms for your case. Alternatively, printed forms are available from the Clerk of Court's Office for a fee if you do not have access to a computer. It is much easier to use the online forms however because the program will complete the appropriate forms for you after you answer a few basic questions.

After commencing the divorce, there is a 120 day waiting period before a final judgment of divorce or legal separation can be granted. During the waiting period either party can ask the Family Court Commissioner to make temporary orders to control how things happen until the final divorce hearing before the Circuit Court Judge.

During this waiting period, the parties are automatically prohibited from:

- 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.
- 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 family 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.
- Without the consent of the other party or an order of the Judge or Family Court Commissioner, establishing a residence with a minor child of the parties outside the state 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 for more than 90 consecutive days or concealing a minor child of the parties from the other party.

Violation of any of these restrictions may result in a finding of contempt, unless the Court decides that:

- the action was taken to protect a party or a minor child of the parties from physical abuse by the other party, and
- there was no reasonable opportunity under the circumstances for the party to obtain a court order authorizing the action.

If there is disagreement regarding custody or placement of minor children, the Commissioner may refer the parties to [mediation](#). If mediation is

unsuccessful, the Commissioner may appoint a Guardian ad Litem to represent the best interests of the children. In that case, each party is required to pay a \$600 deposit to the Clerk of Court as advance payment of fees. The Guardian ad Litem will investigate the case and make a recommendation to the Commissioner and the parties on the issues of legal custody and physical placement.

In divorces where there are minor children, the parties must both attend a "Children in the Middle" program to educate the parents about the effect that divorce can have on their children. The cost is \$35. A final divorce will not be granted by the court until both parties have participated in this program. Parties can register for this program by contacting Susan Schwab at (715) 896-0600.