

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

This form is intended for use by individuals who agree that their marriage is irretrievably broken and wish to file for divorce or legal separation together. It should be used by parties who have children under the age of 18 from their relationship with each other. You can file a Joint Petition for divorce or legal separation in Dane County only if one of the parties has lived in the State of Wisconsin for at least six months and in Dane County for at least thirty days immediately before filing the divorce or legal separation. If you file a Joint Petition for divorce or legal separation, you do not need to file a Summons.

### **DOMESTIC ABUSE INTERVENTION SERVICES**

If you are seeking a divorce or legal separation from your spouse due to emotional, physical, sexual, or other forms of domestic abuse you can contact Domestic Abuse Intervention Services (DAIS) for support. DAIS Help/Crisis Line Advocates provide information, safety planning, referrals, and emergency shelter screenings.

DAIS Legal Advocates may be able to provide assistance to domestic abuse victims with restraining orders, family court, and other court cases related to the abuse. DAIS Legal Advocates are not attorneys and cannot give legal advice.

Call the DAIS 24/7 Help/Crisis Line at **608-251-4445** or **800-747-4045** (toll free in Dane County) for support or to get connected to a Legal Advocate.

### **FILING INSTRUCTIONS**

#### **STEP 1: Fill out the forms**

Both parties should read all instructions before filling out the forms. Type or print neatly using **black ink only**. Use the instructions in the left margin to help you complete them accurately.

#### **The packet includes the following forms:**

1. Joint Petition for Divorce/Legal Separation With Minor Children (FA-4110V)
2. Confidential Petition Addendum (GF-179)
3. Application for Child Support Services

**\*\*Note: If you have found these instructions online, you will need to print each form individually. There are links from the Dane County Clerk of Courts Family Court Forms page at:**

**<https://courts.countyofdane.com/Resources/Forms/family-forms>**

**Make TWO ADDITIONAL COPIES of the Joint Petition and Confidential Petition Addendum after they are completed and signed.**

#### **STEP 2: File the forms and pay the filing fee.**

Take the **original and two copies** of the Joint Petition and Confidential Petition Addendum to the Clerk of Courts Office, Room 1000, Dane County Courthouse, 215 S. Hamilton St., Madison, WI 53703 in order to file the case. If either party is requesting child support or maintenance, you will have to pay the current Family Action to Commence with Petition for Maintenance or Support fee. If neither party is requesting child support or maintenance, the filing fee will be the current Family Action to Commence with NO Petition for Maintenance or Support fee. The fee chart can be obtained at <https://courts.countyofdane.com/Prepare/Court-Fees> or in Room 1000 of the Dane County Courthouse.

**\*\*\*If you believe that **both** parties are entitled to a waiver of the fee because of poverty, each party will need to fill out a Petition for Waiver of Filing and Service Fees available at the Clerk of Courts Office, Room 1000. The Court will determine if the fee can be waived. **If you ask for a waiver, do so before paying any fees, not after.****

**In order to have your Petitions for Waiver of Filing and Service Fees reviewed, you MUST provide the following:**

1. Driver's license or identification card with your signature;
2. The proposed pleading, original and required copies;
3. The completed Petitions for Waiver of Fees and Costs – Affidavit of Indigency and Order, Forms CV-410A and CV-410B;
4. Requestors receiving public assistance benefits need to complete Section 1 of the Waiver;
5. Requestors who do not receive aid need to complete Section 2 of the Waiver and provide:
  - Paystubs for the past 30 days for any type of income, earned or unearned;
  - Taxes for self employment;
  - Unemployment amounts, if any received;
  - Child support payments received.

**STEP 3: File the Application for Child Support Services**

If you and your spouse have minor children together, an Application for Child Support Services should be completed and filed regardless of whether or not there will be an order for child support. The form may be obtained in the Dane County Law Library (Room L1007 of the Dane County Courthouse) or the Court Commissioner Center (Room 2000 of the Dane County Courthouse). The completed form should be submitted to the Court Commissioner Center.