

**PROCEDURES FOR DIVORCE CASES**  
**Manitowoc County**

**You can obtain forms and instructions for filing at [www.wicourts.gov](http://www.wicourts.gov) . Click on the Quick Link box "Self representation (pro se)".**

**FILING, SERVICE AND FEES**

The original Summons and Petition are filed with the Clerk of Court along with a filing fee(check with Clerk of Court for current rate). Manitowoc County does not require a Summons in actions involving joint petitioners. Appropriate copies are authenticated at the time of filing. The Respondent and Family Court Commissioner must receive an authenticated copy within twenty days of the filing your Summons and/or Petition.

Once the original papers are filed with the Clerk of Court, they cannot be altered. If an alteration or addition becomes necessary, *original amendments* must be filed with the Clerk of Court and copies sent to all parties.

Copies of all subsequent pleadings prior to the divorce and the final papers must be served on the Family Court Commissioner. In cases where the family is, has been or will be receiving any form of public assistance, copies must be also served on the Child Support Agency.

**TEMPORARY ORDER HEARING**

Because there is a 120 day waiting period from the time the other party is served with the Summons and Petition, a Temporary Order Hearing may be necessary to decide any disputed issues prior to the divorce hearing. If you elect to have a temporary order hearing, the following provisions apply:

1. A date and time can be obtained from the Family Court Commissioner by coming to Room 317 in the Manitowoc County Courthouse. This information is included in the Order to Show Cause papers prior to filing with the Clerk of Court. The hearing is held before the Family Court Commissioner, in Room B15 of the Manitowoc County Courthouse and will be scheduled at times when the Commissioner is available.
2. The Order to Show Cause papers shall contain the provision that:
  - a) Financial Disclosure Statement must be provided at the hearing.
  - b) Wage Statements must be provided by both parties at the hearing. These Statements are to include income for eight weeks preceding the hearing and specifics regarding the parties' gross and net income including itemization of any payroll deductions.
3. The responding party must receive notice at least 5 days before the hearing. If the responding party has received proper notice, the hearing will be adjourned only if both parties agree or if the presiding judge/commissioner grants an adjournment for good cause. Motions to amend a Temporary Order must give at least five days notice to the responding party.

## STIPULATED TEMPORARY ORDER

In the event you proceed with a Stipulated Temporary Order in lieu of the temporary order hearing, your stipulation must at least contain the following:

1. If the family is receiving any form of public assistance.
2. Gross income of the parties and the sources of that income.
3. The party or parties responsible for maintaining medical insurance coverage and payment of uninsured medical expenses.
4. Provision that each party notify the Clerk of Court and Child Support Agency of any permanent change of address or employer within ten days of such change.
5. In the event of an award of child support, family support or maintenance, the following shall also be included:

All child support/maintenance payments shall be made in cash, by money order or (certified) check and made payable to the Wisconsin Support Collections Trust Fund ("WI SCTF"). Payments shall be recorded in an account on the KIDS computer system established by the Child Support Agency for Manitowoc County, and the account will be charged with the amounts as set forth in this Order. The payor shall also pay a receiving and disbursing fee of \$65.00 to WI SCTF within thirty (30) days of the date of this order and shall thereafter pay, at the time of and in addition to the first payment in each year for which payments are ordered, an annual receiving and disbursing fee of \$65.00, or such other amount as is determined by law. The Payee is also assessed an annual receiving and disbursing fee of \$25.00. All receiving and disbursing fees and support payments not withheld by assignment of income shall be paid directly by the payor and addressed to the Payor Box # as follows: Wisconsin Support Collections Trust Fund, Box 74200, Milwaukee, WI 53274-0200

All ordered amounts for child support/maintenance derived from commissions, earnings, salaries, wages, pension benefits, or benefits under Chapter 102 or 108, and other monies due or to be due in the future is assigned immediately to the Wisconsin Support Collections Trust Fund ("WI SCTF"). The employer or assignee shall withhold said amounts and pay them directly to the Employer Box # as follows: Wisconsin Support Collections Trust Fund, Box 74400, Milwaukee, WI 53274-0400

The name and address of the payor's source of income is: \_\_\_\_\_

The current child support payments shall continue until the child reaches 18 years and has graduated from high school, whichever event occurs last, or until the child reaches age 19, if pursuing an accredited course of instruction leading to the acquisition of a high school diploma or its equivalent.

6. In the event there is a minor child of the parties, the following shall also be included:

### **Restraining Orders:**

a. During the pendency of this action, both parties are 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.

b. During the pendency of the action both parties are prohibited from 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.

c. During the pendency of the action both parties are prohibited from, without the consent of the other party or an order of the court 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 the 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.

The original and one copy of the Stipulation and Order must be submitted to the Family Court Commissioner for review and signature. That office will then file the original with the Clerk of Court Office.

#### PARENTING PROGRAM

Both parties are required to attend the Parenting Program prior to the granting of the divorce. Both parties receive an order in the mail and they must make an appointment to attend the class within seven days of receiving the order. A final divorce hearing will only be set after both of the parties have attended the class.

#### FINAL HEARING

The following requirements must be met before a default divorce or legal separation may be scheduled for hearing:

1. 120 days have expired after service of the Summons and/or Petition.
2. Required papers are on file:
  - a) Summons and/or Petition
  - b) Proof of Service if not filing jointly
  - c) Financial Disclosure Statement for each party
  - d) Marital Settlement Agreement (The original and copies should be submitted to the Family Court Commissioner for approval by pro se parties prior to filing with the Clerk of Court.)
  - e) in event there is a minor child, Certificate of Completion-Parenting Through Divorce Program for both parties.

To schedule a default (no disputed issues) divorce hearing, come to Family Court Commissioner Office, Room 317 of the Manitowoc County Courthouse or call 920/683-4493. If you require a contested divorce hearing, call the court branch your case is assigned to schedule a pre-trial conference with a Circuit Court Judge if one has not already been set.

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DIVORCE JUDGMENT

The Findings of Fact, Conclusions of Law and Divorce Judgment are to be submitted to the Court not later than 30 days after the hearing date. Items that must be included in the Judgment are:

1. The Marital Settlement Agreement must be incorporated as part of the Judgment and a copy attached.
2. In the event there is an order for child support, family support or maintenance the information contained under the heading "Stipulated Temporary Order", Paragraph Nos. 3, 4 and 5.
3. The provisions of Section 765.03(2), Wisconsin Statutes.
4. Statutory language contained in Section 767.245(6) and 946.71 Wisconsin Statutes in actions involving minor children.
5. Other provisions as authorized or required under law.

Present the original and two copies of the Findings of Fact, Conclusions of Law and Divorce Judgment to the Family Court Commissioner's Office. If all is in order the original will be signed and filed with the Clerk of Court along with two copies. The clerk process the documents and send by mail a copy to each party. When the parties receive a copy in the mail, the process is complete.