

# After Service

Now that you have gotten your spouse served with the divorce papers, what happens next? Once a divorce is filed, it takes at least 120 days (four months) before a divorce can be finalized. There are some required and some optional actions you can take in that time.

## Affidavit of Service

Make sure that you file the affidavit of service with the clerk of courts office. This proves that the other spouse has received notice of the divorce.

## Public Benefits/Child Support

If you or your spouse has applied for or is receiving any state or public benefits, like food assistance, BadgerCare, or childcare benefits, then the State of Wisconsin is considered a party in your divorce. You must give copies of the summons and petition for divorce to the child support agency because it represents the state of Wisconsin in family cases. The child support agency usually has an office in or near the courthouse. Some counties may require you to fill out a form for child support services when you file for divorce, even if no one is receiving or has applied for services. Check with your clerk of courts office when you file your paperwork to see if you need to fill out this form.

## Temporary Orders

Once a divorce is filed, it takes at least 120 days (four months) before a divorce can be finalized. During this time you may need to have rules so that you and your spouse know things such as where the children will be staying, who will be paying the bills, and who will have temporary use of some of the property – like a car. If you and your spouse can't agree on these things, either spouse can ask for a temporary order. Usually, the request for a temporary order is filed with the divorce paperwork. See the [article on Temporary Orders](#) for more information.

## **Spouse's Information**

During this period, you also may need information from your spouse so that you can come up with an agreement on dividing your property and debts. Some examples are, the amount that your spouse has in a retirement account or pension plan, the value of a car, or how much money is in your spouse's bank account. The legal process for getting information is called "discovery." There are different forms involved and ways of getting the information you want. You may want the assistance of a lawyer to figure out what information you need and how you can go about getting it.

## **Agreement with Spouse**

Your goal is either to agree on things (child custody & placement, division of property, and division of debts) with your spouse so you can come up with a written agreement (called a Marital Settlement Agreement) or so you can tell the judge what disagreements you have with your spouse that the judge may have to decide. Either the judge or the court commissioner will likely schedule a short hearing to learn what you and your spouse do or don't agree on. This is called a status conference. Later, the judge will schedule a pretrial conference to pin down any issues that the judge will have to decide at trial. If you and your spouse have agreed on everything, the judge will schedule your case for a final hearing as soon as the 120 days are up.

## **Effect of Divorce on Children Class**

In almost all divorce cases where there are minor children, both spouses will be required to attend a program regarding the effect of divorce on their children. The program is generally four hours long and should be completed during the 120 days.

To ensure the overall quality of the programs, including appropriate content and proper training of the presenters, programs are reviewed and approved by the Circuit Court in each county. Only completion of approved programs will meet the requirement. You can find many businesses offering these classes if you search online.

**IMPORTANT:** Contact the court in the county of your divorce to make sure the class you've chosen is an approved program.

You and your spouse may complete these programs together or separately (if the program chosen allows separate attendance). The provider will prepare a Certificate of Completion indicating that a spouse (or spouses) has completed the program, and provide it to the spouse. In order to fill out the Certificate of Completion, the provider will need to know the names of the spouses and the COURT CASE NUMBER. It would be a good idea to bring along a copy of one of your court papers with the information.

The spouse attending the Parent Education Program should file the Certificate of Completion with the court, before or at the time of the request for a pre-trial hearing date or for a stipulated divorce hearing date.

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