

# Starting a Divorce

Check out this article: [Requirements for a Divorce in Wisconsin](#) that outlines what is required before you can start filing any paperwork for a divorce.

## Divorce Forms

There are many forms to fill out when you file for a divorce. The forms that you file will depend on whether you and your spouse are filing together (a joint filing), or you are filing alone. Filing together does not mean you agree to how to divide any property or have any other agreements, it simply means you both agree to file for the divorce and then you do not need to serve your spouse with the initial documents to start the divorce.

The forms you fill out will also depend on whether you have minor children (under 18 years old) born or adopted to you and your spouse jointly or during the marriage. All of these forms are available on the [State Court website](#). Also, there is a [basic guide to divorce](#) on the State Court website that lists a general outline of the steps you need to take in your divorce.

## Summons

This document gives formal notice to your spouse that you have started a divorce. A divorce is a civil legal case, just like any other lawsuit filed in court, so the other side must get personal notice that you started a case. If you and your spouse are filing for divorce jointly, then you do not need a summons.

- [Summons With Minor Children](#)
- OR
- [Summons Without Minor Children](#)

## Petition

This document lists all the facts required by Wisconsin law to get a divorce (see Requirements, above). You and your spouse can file a joint petition (then you do not

need a summons). Both you and your spouse must sign the joint petition. Or, you can file a petition on your own and have it given to your spouse after it is filed.

- [Joint Petition With Minor Children](#)  
OR
- [Joint Petition Without Minor Children](#)  
OR
- [Petition With Minor Children](#)  
OR
- [Petition Without Minor Children](#)

## **Confidential Petition Addendum**

The [Confidential Petition Addendum](#) must be completed and filed, but you do NOT have to give a copy to your spouse. You must include the names, dates of birth, and social security numbers for your spouse and your children to comply with state law. But the form is kept sealed so no one else can see it. If you do not know all of the information the form requires, fill in as much as you can so you can still file the divorce.

## **Request for Temporary Order hearing paperwork (OPTIONAL)**

Sometimes people need to have an order in place between the time the divorce is filed and the divorce judgment is entered (which is 120 days in Wisconsin). If you think you need an order, you can ask for a temporary order when you file the divorce paperwork. A Temporary Order can include:

- Who will stay in the house
- Who will drive what car
- Who will pay each debt
- How the children divide their time between the parents (placement)
- Who gets to make legal decisions about the children, such as religion or school enrollment (custody)
- Other things, such as whether child support or temporary maintenance (spousal support) should be paid.
- All of these can be decided by you and your spouse, or by a court commissioner or judge if you don't agree. If you think you will need a temporary order, you should file the necessary paperwork when you file for your divorce.

Fill out:

- If you have kids under 18 with your spouse: [Order to Show Cause & Affidavit to Show Cause and Request for Hearing for Temporary Order](#)  
OR
- If you don't have kids under 18 with your spouse: [Order to Show Cause & Affidavit to Show Cause and Request for Hearing for Temporary Order](#)

## **Fee Waiver (OPTIONAL)**

If you are unable to pay the filing fee, you can fill out and file these papers, asking the court to waive your filing fees. The fee waiver also requires the sheriff to serve the divorce papers at no cost.

- [Petition for Waiver of Fees and Costs](#) and [Order](#)

**NOTE:** You will need to provide proof of low income (pay stubs, proof of unemployment) or public assistance (SSI letters, BadgerCare or FoodShare eligibility letters) along with this form.

## **After completing the forms**

Once you have all of the forms filled out and signed and dated the documents which require it in front of a notary, make 3-4 copies (for yourself, for your spouse, 2 for the sheriff (who will be serving the papers on your spouse), and for the child support office if one spouse is receiving any government benefits (medicaid, SNAP, etc.)). You will need to file the original documents at your county courthouse.

**Note:** There is a cost to file for a divorce. The cost varies by county, but is at least \$184.50 if no child support or maintenance is requested in the petition and \$194.50 if child support or maintenance is requested. As noted above, you can file a petition for a fee waiver if you are unable to pay the filing or service fee.

## After filing the forms

The court will send you paperwork. Some courts set a Dismissal Date, which is the deadline to turn in the rest of the paperwork (*see article after service of papers*) you need to complete and submit before getting a divorce hearing date. If you requested a Temporary Order Hearing, the court will send you a hearing date and information about attending the hearing. It may take several weeks to hear back from the court. If it has been over a month since you filed and you have not received anything, contact the court.

Next, you will have to get the papers to your spouse. See our [Serving Papers article](#).

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[Divorce Process](#)

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[Table of Contents](#)

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