**State of Wisconsin Circuit Court Waukesha County**

**Family Court Division**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

In re the Marriage of:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Petitioner/Joint Petitioner A

 -and-

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Case Code 40601

 Respondent/Joint Petitioner B

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**AFFIDAVIT FOR DIVORCE**

**WITHOUT A FINAL HEARING**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

STATE OF WISCONSIN )

 ) ss

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_ )

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, being first duly sworn on oath, states that:

1. I am the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Petitioner/Respondent/Co-Petitioner) in this action.
2. I was born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
3. I reside at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. Immediately before the filing of the petition for divorce/legal separation on \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (I/My spouse) lived in Waukesha County for at least 30 days and the State of Wisconsin for at least 6 months.
5. During the pendency of this case, I have not been an active member of the Armed Forces of the United States or its allies.
6. During the pendency of this case, I have not received any public assistance for myself or my child/children.
7. I am not pregnant.
8. My spouse and I were married on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (city), \_\_\_\_\_\_ (state).
9. The marriage is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (irretrievably broken or broken).
10. No other action is pending or has been granted for divorce, legal separation, or annulment relating to my marriage anywhere else in the world.
11. This is my first marriage unless otherwise indicated here: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(list who married to, date marriage terminated, how marriage terminated, location of marriage terminated)
12. My spouse and I have the following children together: (list names and dates of birth):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ No other children have been born or adopted during this marriage by either party.
13. I have completed and my attorney has filed with the court a Financial Disclosure Statement signed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (date). This Financial Disclosure Statement lists all of my assets, income, expenses, and liabilities. There has been no substantial or material change to my financial condition since I signed my Financial Disclosure Statement.
14. I have reviewed the Financial Disclosure Statement filed by my spouse on \_\_\_\_\_\_\_\_\_ (date). To the best of my knowledge, it accurately reflects all of my spouse’s assets, income, expenses, and liabilities.
15. I signed the following document(s) that together make up the Marital Settlement Agreement:

Document Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Document Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Prior to signing the Marital Settlement Agreement, I read it completely, and I understand it completely. I have had enough time to read the Marital Settlement Agreement and ask my attorney questions. I have no questions about the Marital Settlement Agreement that were not answered by my attorney. No one forced me to sign it, or promised me anything outside of the agreement to get me to sign it. I signed it freely, voluntarily, and intelligently.
2. I believe the terms of the Marital Settlement Agreement are fair and reasonable.
3. The terms in my Marital Settlement Agreement regarding minor children, if any, are in their best interests.
4. If my spouse and I have minor marital children, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(date) I filed proof of my completion of the mandatory parental education concerning the effects on a child of a dissolution of the marriage.
5. I understand the terms and conditions of child support in the Marital Settlement Agreement, if any, and agree to them. I believe the amount of child support is in my child/ren’s best interest, and if I am responsible for that payment, I am willing and able to make the payment.
6. I am hereby agreeing to waive maintenance (commonly called alimony or spousal support). I do so freely, voluntarily, and intelligently. I understand that this waiver is final, permanent, and irrevocable, and I cannot come back to this Court or any other court, for any reason whatsoever, and ask that my spouse financially support me in the future.
7. I have considered my health status and any health conditions, as well as my future employment or employment prospects, and I will be able to support myself financially under the terms of this Marital Settlement Agreement.
8. I understand how the Marital Settlement Agreement divides the marital assets and allocates the debts and liabilities, if any, between us. I understand that this division of assets and allocation of liabilities is final, permanent, and irrevocable. I believe that the division of assets and allocation of liabilities reflected in the Marital Settlement Agreement is fair and equitable.
9. I understand that I have a right to a trial where a judge would decide the terms of my divorce. I waive that right and ask the Court to approve the Marital Settlement Agreement and incorporate its terms into a final judgment of divorce.
10. I understand I have a right to an in-person court hearing to obtain a divorce under Wis. Stat. §§ 767.235 and 767.315 and that I can ask that the Court require the other party to appear in person, as well. I am waiving those rights and wish to proceed without an in-person or telephonic hearing. I have discussed this waiver and Wis. Stat. §§ 767.235 and 767.315 with my attorney and he/she has answered all of my questions. I am waiving this right freely, voluntarily, and intelligently. I ask the Court to waive a final divorce hearing based upon a finding of good cause due to the public health emergency caused by COVID-19 and proceed with a judgment of divorce forthwith based upon this affidavit and the terms of the Marital Settlement Agreement.
11. I am satisfied with my attorney’s representation.
12. I understand that I am unable to remarry until six (6) months from date of the granting of the divorce by the court. I understand that any marriage prior to six (6) months from the date of the granting of divorce by the Court is null and void. I understand that the date of the granting of divorce will likely be later than the date I am signing this affidavit.
13. I \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (do or do not) wish to be restored to a former legal surname. If I wish to be restored to a former legal surname, the former legal surname is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed and sworn to before me

this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2020

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public, State of Wisconsin

My Commission expires: \_\_\_\_\_\_\_\_\_\_\_\_