

6. There ___ IS ___ IS NOT a homestead. The homestead is currently occupied by _____ It has equity of approximately \$ _____. It has a monthly mortgage payment of \$ _____.

7. Wife ___ IS ___ IS NOT employed at this time.
Employer Name / Address: _____
Phone: _____ FAX: _____
Earnings per month: _____ Exemptions taken: _____
Other income: _____

8. Husband ___ IS ___ IS NOT employed at this time.
Employer Name / Address: _____
Phone: _____ FAX: _____
Earnings per month: _____ Exemptions taken: _____
Other income: _____

9. Costs for child care while parent(s) is/are working: _____ per _____.

10. Present status of medical/hospitalization and related insurance programs for the parties:
___ HUSBAND has plan. Coverage: ___ self ___ family Monthly cost: \$ _____
___ WIFE has plan. Coverage: ___ self ___ family Monthly cost: \$ _____
___ NEITHER has plan.
Present availability:

11. Pursuant to Sec.767.25(1), the percentage of income standard in this case is _____ percent. In this case the current income of the payor will produce an amount of \$ _____ per month.
___ There is no good reason shown to deviate from such standard.
___ There is good reason shown to deviate from the percentage standard at this time. The reason(s) is/are:

12. The debts which are addressed in the following order are determined to be of such a nature as to require attention at this time based on the present financial situation of the parties.

13. ___ Presently, there is no known dispute between the parties with regard to the custody and/or placement of their minor child(ren).
___ There is a dispute between the parties as to the custody and/or placement of the minor child(ren). Under the circumstances as they exist at this time, in the best interest of the child(ren):
___ It is appropriate to refer the parties for mediation procedures pursuant to Sec.767.11, Wis.Stats.
___ Pursuant to Sec. 767.11(8)(b), it is not appropriate to refer the parties for mediation procedures because:

14. There ___ IS ___ IS NOT a Chapter 813 Domestic Abuse/Child Abuse or Harassment injunction in effect affecting these parties.
Case #: _____
Type of injunction: _____
Against whom: _____

Expiration date: _____

- 15. Parties have minor children and are required by rule of the Family Division to attend a program of parent education on the effects of divorce on children.
 - Parties (or the party seeking the divorce/legal separation) has completed this requirement.
 - Parties state that they have scheduled sessions to complete this requirement.
 - Parties have not completed this requirement and are ordered to go immediately after this hearing to the Family Court Counseling Service office to make arrangements to complete this requirement.

16. OTHER FINDINGS:

ADDITIONAL FINDINGS ARE ATTACHED TO THIS DOCUMENT AND ARE MADE A PART THEREOF.

BASED ON THE ABOVE FINDINGS OF FACT, THE FOLLOWING ORDERS ARE MADE:

O R D E R S

USE OF RESIDENCE

- 1. Parties shall remain separated except by mutual agreement.
- The _____ shall vacate the residence located at _____ no later than _____. The _____ is awarded use of that residence.
- The parties may continue to occupy the same residence during the pendency of this action subject to the following conditions:

FURTHER CONDITIONS ARE SET FORTH UNDER "ADDITIONAL ORDERS"

CHILD CUSTODY AND PLACEMENT

2. A. TEMPORARY CUSTODY:

- The parties shall have joint legal custody.
- The _____ shall have sole legal custody.

B. PLACEMENT:

- Primary placement shall be with _____.
- Parties shall have shared placement.
- _____ shall have periods of placement (visitation) based on following terms:
 - At all reasonable times upon reasonable notice
 - As agreed upon by the parties.
 - OTHER:

SEE FURTHER TERMS IN "ADDITIONAL ORDERS"

C. MEDIATION:

- The parties shall, immediately after this hearing, go to the office of the Family Court Counseling Service to request a time to be scheduled for an initial session of mediation pursuant to Sec.767.11, Wis.Stats., after the parent education requirements are completed.
- Mediation is waived pursuant to Sec.767.11(8)(b). Application for the appointment of a

guardian ad litem shall be made forthwith by the _____.
If, prior to the final hearing/trial of this matter, a dispute which cannot be reasonably resolved arises as to custody and/or placement of the minor children, the parties shall contact the Family Court Counseling Service to begin mediation pursuant to Sec.767.11,Wis.Stats. No guardian ad litem shall be appointed until mediation is attempted or waived.

D. REMOVAL OF CHILD(REN) FROM OR WITHIN STATE:

Any parent having both legal custody and physical placement rights shall notify the other parent, if that parent has any right to periods of placement, and the Family Court Commissioner, in writing, by certified mail, of an intention to change the child(ren)'s residence to another state or to a place in Wisconsin more than 150 miles from the child(ren)'s current residence. The same notification shall be provided if the parent intends to be out of state or more than 150 miles away for more than 90 days. The notification must be given at least 60 days before the proposed move.

Pursuant to Sec.767.23(1)(b),Wis.Stats., if the notified parent objects, in writing, by certified mail, to the other parent and to the Family Court Commissioner, to the proposed move within 15 days of receipt of the notice of intent to move, the parent with legal custody and physical placement rights, with whom the child resides, shall not move the child(ren)'s residence or leave the jurisdiction with the child(ren) without further order of the Court upon notice to the other party and opportunity for hearing.

A parent with legal custody and placement rights shall notify the other parent before removing the child(ren) from a primary residence for more than 14 days.

USE OF PERSONAL PROPERTY / OTHER ASSETS

3. HOUSEHOLD GOODS AND FURNISHINGS Each party shall have the **use** of the items of personal property in his/her current possession **except as follows**:

___ See "Additional Orders" for further listing or provisions.

4. AUTOMOBILES/OTHER MOTOR VEHICLES/BOATS/OTHER VEHICLES

___ Wife shall have the **use** of:

___ Husband shall have the **use** of:

___ Other:

5. BANK ACCOUNTS, CERTIFICATES OF DEPOSIT, IRA/RETIREMENT ACCOUNTS, STOCKS, BONDS, MUTUAL FUNDS, AND ALL SIMILAR TYPES OF ACCOUNTS

___ Wife shall have the use of the following accounts:

___ Husband shall have the use of the following accounts:

___ The following accounts shall be closed out now and the proceeds divided between the parties:

___ Other:

___ See "Additional Orders" for further provisions.

Unless otherwise agreed in writing, all other certificates of deposit, bank accounts, IRA's and other retirement funds, cash accounts of any nature, or stocks and/or bonds in either party's name, or in the name of any child of the parties, shall not be drawn down in any way during the pendency of this action except by written agreement of the parties.

FINANCIAL ORDERS

6. CHILD SUPPORT: Person ordered to pay: _____
Commencement date: _____
Amount to be paid: _____ \$ _____ per month,
payable at rate of \$ _____ per _____
_____ percent of gross
income per pay period.
___ Other

7. MAINTENANCE: Person ordered to pay: _____
Commencement date: _____
Amount to be paid: _____ \$ _____ per month,
payable at rate of \$ _____ per _____
Percent of gross income per pay period.
___ Other:

8. FAMILY SUPPORT: Person ordered to pay: _____
Commencement date: _____
Amount to be paid: _____ \$ _____ per month,
payable at rate of \$ _____ per _____
_____ percent of gross income per pay period.
___ Other:

9. ___ A notice of income assignment shall be sent to the employer of each payor.
___ _____ shall make all required payments by coupon through the Clerk of Circuit Court.
___ Other:

ALL PAYMENTS of money for child support, maintenance and/or family support, whether paid by income assignment or payment coupon, must be made through WISCONSIN SCTF BOX 74200 **Milwaukee, WI 53274** (or such other address as is furnished to you by the Clerk). DO NOT MAKE DIRECT PAYMENTS TO THE OTHER PARTY. Payors are personally responsible for making all ordered payments. Failure of your employer to withhold funds on your behalf is not an excuse for non-payment.

10. On the first day of the month following this hearing, each payor in this case shall pay \$25.00 to the Clerk of Circuit Court as and for a yearly receipt/disbursement processing fee. Furthermore, this fee shall be assessed on January 1st of each year thereafter that the case is still active in the court payment record system.

11. PAYMENT OF MORTGAGE:

___ Person ordered to pay: _____ Commencing: _____

Real estate tax escrow:

Property insurance:

___ No order is made regarding payment of mortgage and related expenses at this time.

12. PAYMENT OF OTHER DEBTS:

___ Wife shall pay the following monthly payments during the pendency of this action:

___ See "Additional Orders" for further listing.

___ Husband shall pay the following monthly payments during the pendency of this action:

___ See "Additional Orders" for further listing.

___ No order is made at this time for apportioning responsibility between the parties for payment of debts during the pendency of this action.

13. NEW DEBTS : Neither party shall incur new debts, including credit card debt, with the expectation, or upon the representation to a creditor, that the other party is responsible for any/all of said debt. Any party applying for credit during the pendency of this action shall inform the creditor that this case is pending and shall show the creditor a copy of this order. Any debt incurred by either party after the date of this order shall be a "non family purpose debt" within the meaning of the marital property law (Chapter 766, Wis.Stats.) unless the court orders otherwise or the parties specifically agree in writing that such new debt is marital.

14. LIVING EXPENSES Except as specifically ordered elsewhere in this order, each party shall be responsible for his/her own living expenses after the date of this hearing.

INSURANCE

15. MEDICAL/HOSPITALIZATION INSURANCE

___ ___ WIFE ___ HUSBAND ___ BOTH shall maintain all existing policies of medical, hospitalization and related insurance without change in beneficiary designation and shall pay the premiums thereon.

___ ___ WIFE ___ HUSBAND shall contribute, directly, the sum of \$ _____ per _____ toward the cost of such coverage.

___ The parties shall split the cost of the medical, dental, prescription medicine and all of the related expenses for the minor children, which are not covered by insurance on the following basis:

___ Other: _____

16. LIFE INSURANCE

___ Each party shall timely pay the premiums on any now existing life insurance policies on his or her life, and shall not cancel said policies, change the beneficiaries in any way, or further borrow against any said policy during the pendency of this action except by written agreement of both parties.

___ Other:

17. AUTOMOBILE INSURANCE Insurance on the motor vehicles owned/leased by the parties shall be paid for as follows:

INCOME TAXES

- 18. ___ Per their agreement today, the parties shall file joint federal and state income tax returns for the tax year _____. They shall divide any refund or tax liability, together with any cost of preparation of the returns, equally, or, if they cannot agree to a division of any refund, they shall hold the refund in an interest-bearing account until the court makes an order for division.
- ___ No order is made at this time regarding the manner of filing income tax returns, nor is any order made for the disposition of any refunds or for the payment of any liabilities.
- ___ Other:
- ___ See "Additional Orders" for further provisions.

OTHER ORDERS

- 19.
- ___ See "Additional Orders" for further provisions

MUTUAL ORDERS

- 20. BOTH PARTIES are restrained from harassing, molesting or abusing each other and from interfering with the personal liberty of each other.
- 21. BOTH PARTIES are restrained from authorizing the disconnection of any utility services or causing any other essential services of the home or residence occupied by either party to be terminated or suspended.
- 22. BOTH PARTIES are restrained from entering the residence of the other party except by mutual agreement, or for child visitation purposes pursuant to the terms of any court order.
- 23. BOTH PARTIES are restrained from selling, trading, giving away, transferring in any way, throwing away or otherwise disposing of any item of personal property, furniture or any automobile/motor vehicle until a final division of these items is made by the trial court unless the parties agree in writing, or a court modifies this order prior to the final hearing.
- ___ _____ shall be allowed to encumber and/or dispose of assets in the usual and ordinary conduct of business.
- 24. BOTH PARTIES shall notify, in writing, the Clerk of Circuit Court and the Family Court Commissioner of any change of address or employer within 10 days of such change. Any such writing shall have this case number mentioned in it.

ADJOURNMENTS / FURTHER HEARINGS

Purpose of adjournment:

ADJOURNMENT DATE:
LOCATION: Courthouse - ROOM 707

ADJOURNMENT TIME:
BEFORE:

___ WIFE ___ HUSBAND ___ BOTH ORDERED TO APPEAR AT THAT HEARING.

OTHER:

___ Additional findings and/or orders are made on PAGE 8.

THIS TEMPORARY ORDER IS WITHOUT PREJUDICE AND SHALL NOT BE CITED AS PRECEDENT BY EITHER PARTY AS IT IS BASED UPON LIMITED INFORMATION AND TEMPORARY NEEDS, AND IS SUBJECT TO REVISION AT ANY TIME PRIOR TO THE FINAL HEARING OF THIS MATTER.

DISOBEDIENCE OF THIS ORDER IS PUNISHABLE AS CONTEMPT OF COURT. IF THIS DOCUMENT IS USED AS A STIPULATION FOR TEMPORARY ORDERS, ITS EXECUTION BY THE FAMILY COURT COMMISSIONER SHALL STAND AS AN ORDER OF THE COURT ENFORCEABLE AND PUNISHABLE AS CONTEMPT OF COURT.

UNDER RULE 523 OF THE 1st JUDICIAL DISTRICT, ANY PARTY MAY REVIEW THIS ORDER BY FILING A **WRITTEN MOTION** FOR REVIEW WITH THE CIRCUIT COURT JUDGE ASSIGNED TO THIS CASE. THE MOTION MUST BE FILED NO LATER THAN **12 DAYS** FROM THE DATE THE COMMISSIONER **SIGNS** THIS ORDER.

Dated at Milwaukee, Wisconsin on _____, 20__.

MILWAUKEE COUNTY CIRCUIT COURT
FAMILY COURT COMMISSIONER, by: *(signature)* _____
COMMISSIONER _____

SERVICE of a copy of this order admitted on _____.

F:FIRSTFC2--6/12/97 Respondent
Petitioner: _____ CASE # _____
Respondent: _____ FAMILY A B C D _____
Hearing Date: _____

P A G E 8 A D D I T I O N A L F I N D I N G S A N D O R D E R S

Commissioner Signature: _____