

In re [] the marriage of / [] the paternity of _____

**ORDER FOR PRETRIAL
ORDER TO APPEAR**

Petitioner

-- and --

CASE # _____ FA / PA _____

Respondent

Family A B C D E

IT IS HEREBY ORDERED that the above action is scheduled for a pre-trial hearing before the

Honorable _____, Branch _____

Date: _____ Time: _____ [] AM [] PM

Location: Room _____, Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin.

IT IS FURTHER ORDERED that the attorneys (if any) who will actually try the case and **both parties must be present unless appearance is waived BY THE COURT**. In the event a stipulation is reached, the matter will be heard and a divorce granted at the time of this pretrial if all required information is on file.

If the respondent fails to appear, the Court may proceed with the case. Action that may be taken includes granting the divorce, dividing property, awarding or permanently denying maintenance, assigning responsibility for debts, making orders for the custody and placement of minor children, and making or modifying child support orders.

IT IS FURTHER ORDERED that each party shall provide to the Court and to the other party, at least 14 days prior to the pre-trial, current financial information, including proof of earnings, on a **signed financial disclosure statement under oath**.

The parties shall be prepared to:

- a. discuss property valuation and whether written appraisals are needed, or if the parties can agree on the value of the real and personal property, and pensions;
- b. agree on appraiser(s), if needed, before or at this pretrial, subject to the Court's approval (if parties cannot so agree, the Court will appoint needed appraiser(s) at the pretrial);
- c. advise the Court of any custody or visitation disputes, whether mediation has been attempted, and whether a guardian ad litem may have to be appointed and the parties' ability to pay the fees of the guardian ad litem;
- c. indicate what issues the parties have agreed on and those issues that have not been resolved.

IT IS FURTHER ORDERED that the petitioner, not less than 5 days prior to this hearing, serve a copy of this order upon the Department of Child Support Enforcement, Courthouse Room 101 if **either** party receives any W-2 benefits (including employment positions, work programs, job access loans, education and training, health and/or child care, or transportation assistance), or medical assistance, or if a child of the parties is in foster care.

IT IS FURTHER ORDERED that no adjournments will be granted without Court approval.

Failure to comply with the order of the Court, including failure to provide required information, may cause appropriate sanctions to be imposed pursuant to sec. 802.10(5), Wis. Stats.

Dated: _____,

BY THE COURT:

Circuit Court Judge

INSTRUCTIONS FOR SERVING ORDER FOR PRETRIAL/ORDER TO APPEAR

If the respondent is represented by an attorney, this Order may be sent by regular mail to the attorney.

If the respondent is not represented by an attorney, attach a copy of your proposed marital settlement agreement or proposed orders to this Order for Pretrial/Order to Appear. *Failure to do so could result in a delay of the case.*

This Order for Pretrial/Order to Appear must be served on the respondent in this action not less than 5 days before the scheduled date. There is no limit on how long before the hearing it can be served, but 30 days is the recommended period of advance notice.

If the respondent has either filed an answer in the case, or appeared at a prior court hearing, the Order may be sent by regular mail to respondent, provided you have a valid address for the respondent.

In all other cases you must make a diligent effort to serve the respondent.

The best method of service is personal service. This is done when someone other than you personally delivers the Order to the respondent. This person can be a deputy sheriff, a private process server or a private citizen over 18 years old. The respondent need not accept the Order. It is enough that the Order be left in the presence of the respondent.

If personal service is not possible, and you know where the respondent lives, service can be made by having someone other than you leave a copy of the Order at the respondent's home with a family member over 14 years old, or with an adult who resides in the home. The person serving the order must tell the person to whom the Order is given that it is an order to appear in family court and tell the date of the hearing.

Unless the summons and petition were served by publication, you must attempt service by one of the two methods explained above and present an affidavit that the Order could not be served before using other methods to notify the respondent. *However service is accomplished, you must bring to the pretrial hearing a notarized affidavit(s) setting forth how service was obtained or attempted.*

If the service of the summons was by publication, or if you have an affidavit stating the Order cannot be served by either of the above-mentioned methods, you should mail a copy of the Order, **BOTH** by regular mail and certified mail return receipt requested, to the respondent's last known address. The green postcard that you receive from the post office should be attached to your affidavit. You should also send a copy to the respondent, by regular mail, in care of the closest relative of the respondent for whom you have a current address.