

COMPLETING THE WISCONSIN CERTIFICATE OF DIVORCE OR ANNULMENT

PURPOSE

This document is designed as an aid to acquaint clerks of court with the vital registration system in Wisconsin and to provide instructions for completing and filing divorce/annulment certificates.

The clerk of court is responsible for filing an accurate and complete divorce/annulment certificate with the State Vital Records Office for every divorce or annulment finalized in that court (per ss. 69.08 and 69.17). The divorce/annulment certificate contains personal and identifying information about the husband and wife, facts about the divorce decree, the signature of the clerk of court, and information regarding the children born or conceived during the marriage.

IMPORTANCE OF DIVORCE/ANNULMENT REGISTRATION

Registration of divorces and annulments provides the individuals with documentary proof that a decree has been granted. Individuals are frequently faced with the need to prove that a particular divorce/annulment has been granted. Their right to remarry, or right to inheritance, pension, insurance, or other benefits may depend upon the fact of divorce or annulment.

Statistical data from divorce/annulment certificates are used to aid in identifying changes in social trends, to predict fertility rates, and to chart changes in our society's family structures.

Because the information from the divorce/annulment certificate can be no more accurate than the data on the certificate, it is very important that all persons concerned with the registration of divorces/annulments strive not only for complete registration but also for accuracy and promptness in reporting these events.

CONFIDENTIALITY OF VITAL RECORDS

The State Registrar protects the information on vital records from unwarranted or indiscriminate disclosure. Vital records and the information they contain are available only to persons who are authorized access by state law and supporting regulations. Provisions for the statutory protection of the confidentiality of vital records and the confidential information they contain have been strengthened in recent years. For an explanation of the collection and use of Social Security numbers, see items 25f and 26a-b in the Detailed Instructions portion of this document.

SPECIFIC RESPONSIBILITIES

The court decree of divorce/annulment is kept in the files of the court that grants the decree. The divorce/annulment certificate is a separate document that is sent to the State Vital Records Office. The preferred procedure makes the attorney responsible for completing the personal information on the certificate. The clerk of court is responsible for completing those items relating to the decree and for transmitting the certificate to the State Vital Records Office.

The following is a point by point breakdown of the responsibilities of the clerk of court, the attorney (or petitioners) and the judge in filing a correctly completed certificate of divorce or annulment.

CLERK OF COURT

The clerk of court must:

- Insure that the blank certificate is an official Wisconsin Original Certificate of Divorce or Annulment (HCF 5080, formerly DOH 5080) SUPPLIED BY THE SECTION OF VITAL STATISTICS. Since the paper used is specially designed for archival storage, the blank certificates cannot be photocopied or produced by software, even if bond paper is used. There is no charge for these certificates. Forms are sent to all clerks of court upon receipt of written requests.
- Provide the proper divorce/annulment certificate to the attorney for the petitioner or to the parties themselves, with instructions for completing the personal data items.
- Notify the attorney that the certificate shall be completed and filed with the clerk of court at the time the petition is filed and prior to the granting of the decree.
- Receive the completed certificate from the attorney for the petitioner along with the petition.
- Check the certificate for completeness, accuracy, and make sure that there are no unauthorized corrections, whiteout, or erasures on the certificate.
- Complete the certificate when the final decree of divorce/annulment is granted by accurately filling in the items relating to the decree, following the instructions provided by the State Vital Records Office. Black ink or black typewriter ribbon must be used.
- Sign and date the certificate, using only black ink. DO NOT PLACE THE OFFICIAL COURT SEAL ON THE CERTIFICATE.
- Forward the completed certificates biweekly to:

State Vital Records Office
P.O. Box 309
Madison, Wi. 53701-0309
- Cooperate with the State Vital Records Office by replying promptly to any queries concerning any entry on the certificate.

THE ATTORNEY (OR PERSON ACTING AS HIS/HER OWN ATTORNEY)

The attorney for the petitioner should:

- Obtain from the divorcing parties all personal data required on the certificate.
- Complete the form accurately, following the instructions provided by the State Vital Records Office. Black ink or black typewriter ribbon must be used.
- Return the certificate to the clerk of court at the time the petition is filed.

THE JUDGE

The judge should:

- Make certain that all information required to complete the decree portion of the divorce/annulment certificate is obtained and made available to the clerk of court at the time the decree is finalized.

DETAILED INSTRUCTIONS FOR COMPLETING A CERTIFICATE OF DIVORCE OR ANNULMENT

<u>ITEM NO.</u>	<u>INSTRUCTIONS AND INFORMATION FOR COMPLETING EACH ITEM</u>
1	HUSBAND-NAME: Enter the first name, full middle name, and last name of the husband. The last name must be in capital letters. Entries of Jr., Sr., II, etc., are acceptable.
2a-2b	RESIDENCE: In 2a enter the name of the state and in 2b enter the name of the county in which the husband actually lives - place where he usually sleeps. This is not necessarily the same as mailing, voting, or legal residence. Never enter a temporary residence, such as one used during a vacation, visit, or business trip. However, a place of residence during a tour of military duty or during attendance at college is <u>not</u> considered temporary and should be considered as the place of residence. If the husband is not a resident of the United States, enter the name of the country in 2a and the county or province in 2b.
3	DATE OF BIRTH: Enter the exact month, day, and year that the husband was born. Spell or abbreviate the name of the month. Do not use numbers to designate the month.
4	WIFE-NAME: Enter the first, full middle, and last name of the wife. The last name must be in capital letters.
5	BIRTH SURNAME: Enter the birth surname (maiden name) of the wife. This is the name given at birth or adoption, <u>not a name acquired by marriage</u> . Enter this name, even if the same as the name entered in item 4.
6a-6b	RESIDENCE: In 6a enter the name of the state and in 6b enter the name of the county in which the wife actually lives - place where she usually sleeps. This is not necessarily the same as mailing, voting, or legal residence. Never enter a temporary residence, such as one used during a vacation, visit, or business trip. However, a place of residence during a tour of military duty or during attendance at college is <u>not</u> considered temporary and should be considered as the place of residence. If the wife is not a resident of the United States, enter the name of the country in 6a and the county or province in 6b.
7	DATE OF BIRTH: Enter the exact month, day, and year that the wife was born. Spell or abbreviate the name of the month. Do not use numbers to designate the month.
8a	PLACE OF THIS MARRIAGE-STATE: Enter the name of the state in which this marriage occurred. If the marriage did not occur in the United States, enter the name of the country.
8b	DATE OF THIS MARRIAGE: Enter the exact month, day, and year this marriage occurred. Spell or abbreviate the name of the month. Do not use numbers to designate the name of the month.
9	DATE COUPLE LAST RESIDED IN SAME HOUSEHOLD: Enter the exact month, day, and year that the couple ceased to live together in the same household. Spell or abbreviate the name of the month. Do not use numbers to designate the month. If the exact date is unknown, enter an approximate date.
10a	NUMBER OF CHILDREN UNDER 18 IN THIS HOUSEHOLD AS OF DATE IN 9: Enter the total number of children under the age of 18 years residing in the household on the date entered in item 9, regardless of whether they were born to the divorcing couple, were children of a previous marriage, or were adopted. This number is independent from and may differ from the number of children listed in item 10b.
10b	NUMBER OF CHILDREN UNDER 18 WHOSE PHYSICAL CUSTODY WAS AWARDED TO: In the proper space, enter the total number of children under 18 years of age whose physical custody was awarded to the husband, wife, joint custody, or other. If there are no children under 18 years of age, check the box, "No Children". This number is independent from and may differ from the number of children listed in item 10a.
11a	ATTORNEY FOR PETITIONER-NAME: Enter the full name of the attorney for the petitioner.
11b	ADDRESS (OF ATTORNEY): Enter the complete mailing address of the attorney for the petitioner named in 11a. Include the ZIP code.
12	DATE OF DECREE: Enter the exact month, day, and year the divorce or annulment was granted. Spell or abbreviate the name of the month. Do not use numbers to designate the month.
13	TYPE OF DECREE: Check the appropriate box for the type of decree issued.

- 14 **COUNTY OF DECREE:** Enter the name of the county in which this decree was granted.
- 15 **COURT CASE NUMBER:** Enter the court case number assigned to this decree.
- 16 **SIGNATURE OF CLERK OF COURT:** The certifying clerk of court signs In BLACK INK.
- 17 **DATE SIGNED:** Enter the exact month, day, and year that the clerk of court signs the certificate. Spell or abbreviate the name of the month. Do not use numbers to designate the month.
- 18 **WIFE'S NEW NAME:** (If applicable) Enter the new name the wife intends to use following the decree.
- 19 **HUSBAND'S NEW NAME:** (If applicable) Enter the new name the husband intends to use following the decree.
- 20a-b **NUMBER OF THIS MARRIAGE:** Enter the number of this marriage (1, 2, 3, etc.) for both the husband and wife.
- 21a-b **IF PREVIOUSLY MARRIED, LAST MARRIAGE ENDED BY:** Check the appropriate box to designate the manner in which the last marriage ended for both the husband and wife. DO NOT enter the manner in which THIS marriage ended.
- 22a-b **DATE LAST MARRIAGE ENDED:** If previously married, enter the exact month, day, and year the last marriage ended (date of spouse's death or date of final divorce decree) for both the husband and wife. Spell or abbreviate the name of the month. Do not use numbers to designate the month. DO NOT enter the date that THIS marriage ended.
- 23a-b **RACE:** (White, Black, American Indian, Etc.): Enter the race of the husband and wife. If the person is of mixed race, enter the races in the order given by the informant. If of a Spanish-speaking origin, enter "Black-Hispanic", or "White-Hispanic", etc. For Asians and Pacific Islanders, enter the national origin such as Laotian, Japanese, Hmong, etc.
- 24a-b **EDUCATION:** Enter only the highest grade completed either in the space for "Elem./Second.(0-12)" OR in the space for "College (1-4 or 5+)". An entry should be made in only one of the spaces. Do not count partial years (e.g. if a person does not complete the freshman year of college, education would be 12 years of Elem./Second. only). Do not include specialty schools such as barber, trade, or beauty schools when determining highest grade completed. If in doubt about the inclusion of a specific type of schooling, accept the informant's interpretation of the highest grade completed.
- 25a **IF THIS DECREE FINDS THAT...LIST CHILDREN BELOW:** This is an informational statement which requires a review of the decree. If the decree stipulates that any children born or conceived during this marriage were fathered by someone other than the husband, complete items 25 b - e for each of those children.
- 25b **FULL NAME OF THE CHILD AS IT APPEARS ON THE BIRTH CERTIFICATE:** Enter the first, middle, and last name of each child born or conceived during this marriage but stipulated as not the issue of this marriage. The name should be that which appears on the child's birth certificate at the time the decree is completed.
- 25c **DATE OF BIRTH:** Enter the exact month, day, and year that each child named in 25b was born. Spell or abbreviate the name of the month. Do not use numbers to designate the month.
- 25d **STATE OF BIRTH:** Enter the state of birth for each child named in 25b. If the child was not born in the United States, enter the name of the country.
- 25e **COUNTY OF BIRTH:** Enter the name of the county of birth for each child named in 25b. If the child was not born in the United States, enter the name of the state or province.
- 25f **SOCIAL SECURITY NUMBER:** Enter the Social Security numbers of any children listed in 25b. If the child does not have a Social Security number, enter "none". Social Security numbers are collected per 42 USC 666(a)(5) and s. 69.17 and may only be used for Child Support Enforcement programs.
- 26a-b **SOCIAL SECURITY NUMBER:** Enter the Social Security numbers of the husband and wife. If the person does not have a Social Security number, enter "none". The parties must provide their Social Security numbers, if Social Security numbers have been assigned to them. Social Security numbers are collected per 42 USC 666(a)(5) and s. 69.17 and may only be used for Child Support Enforcement programs.