

Model Jurisdictional Recitals or Findings for Orders, Judgments and Stipulations

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[Divorce Findings/Judgment](#)

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CAUTION

Extreme care must be exercised in the use of these forms. They have been written *only* for the most typical of cases and will *not* be appropriate for all cases. For example, if no state qualifies as a home state under Wis. Stats. §822.02(7), the language will need to be revised to justify jurisdiction under §822.21(1)(b), (c) or (d). Before using any of these models, you should carefully review the facts of your specific case to be certain that the stated jurisdictional basis applies in your circumstances.

These forms assume that the most common jurisdictional basis applies [*i.e.*, either “home state” jurisdiction for initial determinations or continuing residence of at least one parent for modification cases]. If custody jurisdiction in your case is based on any other ground, these forms will need revision to be consistent with that other ground.

If, after reviewing [The UCCJEA: A Focused Introduction](#) and the [UCCJEA Flow Charts](#) in this site’s “[UCCJEA RESOURCES](#)” section, you are still unsure if one of these models is right for your case, you should [contact](#) a jurisdiction expert like Attorney Blumberg.

A. Divorce Findings and Judgment:

Finding: Other than this action, no custody proceeding concerning the minor child[ren] has ever been commenced in this or any other state, and Wisconsin was the child[ren]’s home state on _____, 20__ when this action for divorce was commenced.

Conclusion: This court has jurisdiction, pursuant to Wis. Stat. §822.21(1)(a), to make the custody determinations set forth hereafter for the minor child[ren].

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B. Modification Orders (Motion)

The petitioner’s motion for modification having come on regularly for hearing before the Honorable _____, Circuit Court Judge/Family Court Commissioner, on [date] , and the appearances being as follows: [insert appearance listings here]; and

This Court’s having exclusive, continuing jurisdiction under Wis. Stats. §822.22 to determine this proceeding by reason of [the father’s][the mother’s][both parties’] continuous residence in Wisconsin since [the commencement of the action for divorce on [date]] [the first filing in this action on [date]], at which time Wisconsin was the child[ren]’s home state; and

The Court’s having heard and considered the testimony of the parties, the documentary evidence, the moving papers, [etc.]; now, therefore, the Court makes the following orders:

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C. Stipulation for Initial Order. Paragraph 1:

1. Custody Jurisdiction. This court has jurisdiction, under Wis. Stat. §822.21(1)(a), to make the custody determinations agreed to herein, because, other than this action, no custody proceeding concerning the minor child[ren] has ever been commenced in this or any other state, and Wisconsin was the child[ren]'s home state on [date] , when this action was commenced. The parties understand that the State of Wisconsin will have exclusive, continuing jurisdiction, pursuant to Wis. Stat. §822.22, to modify the orders agreed to and made herein so long as at least one of the parents continues to reside in Wisconsin, even if the child[ren] do[es] not.

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D. Stipulation to Modify. Paragraph 1:

1. Custody Jurisdiction. This court had jurisdiction to make the custody and placement orders contained in the judgment of [paternity] [divorce] in this action, because, other than this action, no custody proceeding concerning the minor child[ren] had ever been commenced in this or any other state, and Wisconsin was the child[ren]'s home state on [date] , when this action was initially commenced. This court has exclusive, continuing jurisdiction, under Wis. Stat. §822.22, to make the modifying orders agreed to herein, because the [child and both parents] [the child] [the father] [the mother] have/has continued to reside in Wisconsin since the judgment of [paternity] [divorce] was filed. The parties understand that the State of Wisconsin has and will have exclusive, continuing jurisdiction, pursuant to Wis. Stat. §822.22, to modify the orders made herein so long as at least one of the parents continues to reside in Wisconsin, even if the child[ren] do[es] not.

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