

FORM SUMMARY

Name of Form: Disclosure of Sealed Identifying Information in a Child Custody Proceeding – Divorce

Form Number: GF-178

Statutory Reference: §822.29(5), Wisconsin Statutes

Benchbook Reference: None

Purpose of Form: A party to a “child custody proceeding” who believes that the health, safety, or liberty of a party or child will be jeopardized by disclosure of “identifying information” may have that information “sealed” by the court pending a hearing before the court. This form provides a method for the party to provide the required information to the court in a manner that can be easily sealed without requiring the redacting of other documents.

Who Completes It: Party providing the identifying information.

Distribution of Form: Original to the Clerk of Court. The person filing the document may retain a copy for their own purposes but no other copies would be made or provided to the other parties in the case.

Accompanying Forms: Generally, this form will accompany the “Petition for Divorce/Legal Separation” (FA-4108, FA-4109, FA-4110, or FA-4111) as well as an “Affidavit to Seal Identifying Information in a Child Custody” (GF-177). However, the same type of request can be made in any “child custody proceeding” as defined in §822.01(4), Wisconsin Statutes; thus it may be used in such other proceedings as well.

New Form/Modification: Modified; last update 11/19.

Modification: Added remote notary statement pursuant to 2019 WI Act 125.

Comments:

1. A “child custody proceeding” is defined in section 822.01(4), Wisconsin Statutes, as “a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce, legal separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights and protection from domestic violence, in which the issue may appear.” The statute indicates it does not apply to “a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under subch. III of chapter 822, Wisconsin Statutes.”

2. The applicability of this provision seems to be limited to cases involving minor children because section 822.29(5), Wisconsin Statutes, is part of the Uniform Child Custody Jurisdiction and Enforcement Act which, by definition, only applies to a “child custody proceeding.” This provision is not included within the general divorce code.
3. The term “identifying information” is not defined in chapter 822, Wisconsin Statutes. RMC believes it appropriate to allow the party seeking the sealing of information to determine what that person considers “identifying information.”
4. The procedure outlined in the statutes requires the clerk of court to seal the information and submit the matter to the presiding court official for a hearing to determine whether the information should remain sealed. The court can reverse the sealing and order disclosure after a hearing. The statutory criteria requires the court to consider the health, safety or liberty of the party or child and determine that the disclosure is “in the interest of justice” before authorizing disclosure.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court’s Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.