

PRINT in BLACK ink

Enter the name of the county in which you are filing this case.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ **COUNTY**

For Official Use

Enter your name (you are the petitioner).

In re the marriage of:

Petitioner:

First name Middle name Last name

Address

Address

City State Zip

Enter your address.

On the far right, check divorce or legal separation.

Enter your spouse's name (your spouse is the respondent).

Respondent:

First name Middle name Last name

Address

Address

City State Zip

Enter your spouse's address.

Note: Leave case number blank; the clerk will add this.

Summons
With Minor Children

- Divorce-40101**
 Legal Separation-40201

Case No. _____

The State of Wisconsin, to the person named above as respondent:

You are notified that your spouse has filed a lawsuit or other legal action against you. The **Petition**, which is attached, states the nature and basis of the legal action.

Within 20 days of receiving this **Summons**, you must provide a written response, as that term is used in ch. 802, Wis. Stats., to the **Petition**. The court may reject or disregard a response that does not follow the requirements of the statutes.

The response must be sent or delivered to the following government offices:

Clerk of Court

Name of county _____

Address _____

Address _____

City _____ State _____ Zip _____

County Child Support Agency

Name of agency _____

Address _____

Address _____

City _____ State _____ Zip _____

The response must also be mailed or delivered within 20 days to the petitioner at the address above.

Enter the name and address of the 2 identified government offices.

DO NOT leave these lines blank. You must obtain these addresses and fill them in, or your Summons will be incomplete and will harm your case.

This information may be available in the local phone book under listings for the county or from your local Clerk of Court's office.

It is recommended, but not required, that you have an attorney help or represent you.

If you do not provide a proper response within 20 days, the court may grant judgment against you, and you may lose your right to object to anything that is or may be incorrect in the **Petition**.

A judgment may be enforced as provided by law. A judgment may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you need help in this matter because of a disability, please call:

Sign and print your name.

Enter the date on which you signed your name.

Note: This signature does not need to be notarized.

Signature

Print or Type Name

Date

****IMPORTANT NOTICES****

You are notified of the availability of information from the Family Court Commissioner as set forth in sec. 767.105 Wis. Stats.

767.105 Information from Family Court Commissioner.

- (2) Upon the request of a party to an action affecting the family, including a revision of judgment or order under sec. 767.59 or 767.451:
 - (a) The Family Court Commissioner shall, with or without charge, provide the party with written information on the following, as appropriate to the action commenced:
 - 1. The procedure for obtaining a judgment or order in the action.
 - 2. The major issues usually addressed in such an action.
 - 3. Community resources and family court counseling services available to assist the parties.
 - 4. The procedure for setting, modifying, and enforcing child support awards, or modifying and enforcing legal custody or physical placement judgments or orders.
 - (b) The Family Court Commissioner shall provide a party, for inspection or purchase, with a copy of the statutory provisions in this chapter generally pertinent to the action.

You are notified that if the parties to the action have minor children, violation of the following criminal statute is punishable by fines and/or imprisonment as set forth in sec. 948.31 Wis. Stats.

948.31 Interference with custody by parent or others.

(1) (a) In this subsection, "legal custodian of a child" means:

1. A parent or other person having legal custody of the child under an order or judgment in an action for divorce, legal separation, annulment, child custody, paternity, guardianship or habeas corpus.

2. The department of health and family services or the department of corrections or any person, county department under sec. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody or supervision of the child has been transferred under chapter 48 or chapter 938 to that department, person or agency.

(b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away, or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period from a legal custodian with intent to deprive the custodian of his or her custody rights without the consent of the custodian is guilty of a Class F felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

(2) Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents, or in the case of a nonmarital child whose parents do not subsequently intermarry under sec. 767.803, from the child's mother, or if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class I felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

(3) Any parent, or any person acting pursuant to directions from the parent, who does any of the following is guilty of a Class F felony:

(a) Intentionally hides a child from the child's other parent.

(b) After being served with process in an action affecting the family but prior to the issuance of a temporary or final order determining child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in sec. 822.02(9).

(c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or visitation period.

(4) (a) It is an affirmative defense to prosecution for violation of this section if the action:

1. Is taken by a parent or by a person authorized by a parent to protect his or her child in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child;

2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault to himself or herself;

3. Is consented to by the other parent or any other person or agency having legal custody of the child; or

4. Is otherwise authorized by law.

(b) A defendant who raises an affirmative defense has the burden of proving the defense by a preponderance of the evidence.

(5) The venue of an action under this section is prescribed in sec. 971.19(8).

(6) In addition to any other penalties provided for violation of this section, a court may order a violator to pay restitution, regardless of whether the violator is placed on probation under s. 973.09, to provide reimbursement for any reasonable expenses incurred by any person or any governmental entity in locating and returning the child. Any such amounts paid by the violator shall be paid to the person or governmental entity which incurred the expense on a prorated basis. Upon the application of any interested party, the court shall hold an evidentiary hearing to determine the amount of reasonable expenses.