

**INSTRUCTIONS FOR SUMMONS AND PETITION FOR DIVORCE
(NO MINOR CHILDREN)**

This form is intended for use by an individual who believes that his or her marriage is irretrievably broken and wishes to file for divorce. The form is to be used when the parties do not have children together who are under the age of 18. You can file for divorce only if at least one of the parties has lived in the State of Wisconsin for at least six months immediately before filing the divorce and in Jackson County for at least thirty days immediately before filing the divorce.

STEP 1 . . . FILL OUT THE SUMMONS FORM

You should read and fill out the form. Type or print neatly. Please review carefully the following instructions.

SUMMONS

In the caption at the top of the page, print your name on the line labeled “petitioner”. Print your spouse’s name on the line labeled “respondent”.

In the second paragraph of the page, print your name on the first blank line. Print your address on the second line.

Date and sign the document where indicated at the bottom of the page.

PETITION FOR DIVORCE

In the caption at the top of the page, print your name on the line labeled “petitioner”. Print your spouse’s name on the line labeled “respondent”.

SECTION 1:

Print your full name on the line labeled “Petitioner’s name”. Print the other information requested.

SECTION 2:

Print your spouse’s name on the line labeled “Respondent’s name”. Print the other information requested.

SECTION 3:

Fill in the date on which you were married and the county and state where the marriage took place.

SECTION 5:

Circle whether the petitioner, respondent or both of you have resided in Jackson County for at least 30 days immediately before starting the divorce action and in the State of Wisconsin for 6 months immediately prior to the commencement of the divorce.

SECTION 7:

Indicate if the wife is pregnant. If she is pregnant, cross out the word “not”.

SECTION 8:

If one or both of you have previously filed for divorce, state in the space provided who filed for divorce, in what county and when (if you know the date).

SECTION 9:

If either of you was previously married, indicate in the space provided which party was previously married, to whom, and the date of the divorce (if you know the date).

SECTION LABELED “Petitioner Requests the Following Relief”

Circle the items that you are requesting the judge to order.

SIGNATURE

Sign the Petition for Divorce where indicated.

MAKE THREE ADDITIONAL COPIES OF YOUR DOCUMENTS AND SIGN THE FORM.

STEP 2 . . . FILE CASE AND PAY FEE

Take the **original and three copies** of the forms to the Clerk of Courts, Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615 in order to file the case. You will have to pay a filing fee of either \$172 or \$182 depending on whether someone will be seeking maintenance.

If you believe that you are entitled to a waiver of the fee because of poverty, fill out a Petition for Waiver of Filing and Service Fees available online. **The Family Court Commissioner will determine if the fee can be waived. If you ask for a waiver, do so before paying any fees, not after.**

STEP 3 . . .SERVE THE SUMMONS AND PETITION FOR DIVORCE ON THE OTHER PARTY

You must serve the other party to the divorce with the Summons and Petition for Divorce. Service must be within 90 days of the date the case is filed.

Service by Sheriff

If the other party lives in Jackson County, you may have the documents served on the other party by the Civil Process Division of the Jackson County Sheriff's Department, 30 N. 3rd Street, Black River Falls, WI 54615. The sheriff will need two copies of the forms you filed in Step 2. There is a \$30 charge for every service attempt plus 50 cents per mile, round trip that the process server travels. If you believe you are entitled to a waiver of the fee because of poverty, fill out a Petition for Waiver of Filing and Service Fees available online. The Family Court Commissioner will determine if the fee can be waived.

Once the documents have been served, you will be sent a proof of service. When proof of service is returned, mail or take the original to the Family Court Commissioner's office, 107 Main Street, Black River Falls, WI 54615 **after** you make a copy of the proof of service for yourself. If the person to be served lives outside of Jackson County, call the sheriff in that county for instructions on service of the papers.

Service by Private Process Server

You may use a private process server to serve the documents. Look in the yellow pages under "process servers". Once the documents have been served, you will be sent a proof of service. When proof of service is returned, mail or take the original to the Family Court Commissioner's office **after** you make a copy of the proof of service for yourself.

Admission of Service

If you believe the respondent will be willing to admit that he or she received the Summons and Petition, you can have the respondent sign an Admission of Service form available at the Jackson County Legal Resource Center, or online. If an Admission of Service form is signed by the respondent, you do not need to have the respondent served by the sheriff or a private process server. If the respondent signs an Admission of Service, mail or take the original to the Family Court Commissioner's office **after** you make a copy of the proof of service for yourself.

Service by Publication

If you are unable to discover the respondent's home address or place of work for purpose of serving the documents, you may have to publish the notice in the newspaper. Forms for Service by Publication are available online.

In re the marriage of _____

(DIVORCE Code 40101)

Petitioner

S U M M O N S
(No Minor Children)

Respondent

CASE # _____

THE STATE OF WISCONSIN, TO THE PERSON NAMED ABOVE AS RESPONDENT:

You are hereby notified that the petitioner named above has filed a petition for divorce against you, which is attached, stating the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, you must respond with a written answer, as that term is used in Chapter 802 of Wisconsin Statutes, to the petition. The court may reject or disregard any written answer that does not follow the requirements of the statutes. The answer must be sent or delivered to this court, whose address is: Jackson County Clerk of Courts, 307 Main Street, Black River Falls, WI 54615, and to _____, the petitioner, whose address is _____.

You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, the court will enter a default judgment granting a divorce to the petitioner. If you do not provide a proper answer within twenty (20) days, the court may grant a judgment against you for the award of money or other legal action as requested in the petition 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 awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment of wages or seizure of property.

You are hereby notified that, under WI. STAT. 767.081(2), you may request, and may have to pay for, the following written information from the Family Court Commissioner:

1. The procedure for obtaining a judgment or order in this 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 order.
5. A copy of the statutory provisions in Chapter 767 generally pertinent to this action for inspection or purchase.

Dated this _____ day of _____, 20____.

BY

Petitioner pro se Signature

Name Printed: _____

Address: _____

In Re the marriage of:

Petitioner

**PETITION FOR DIVORCE
(No Minor Children)**

Respondent

CASE # _____

The petitioner states as follows:

1. **Petitioner's name:** _____
Address: _____
City, State, Zip: _____
Date of Birth: _____ **Social Security #** _____
Occupation: _____
2. **Respondent's name:** _____
Address: _____
City, State, Zip: _____
Date of Birth: _____ **Social Security #** _____
Occupation: _____
3. **The parties to this action were married on** _____, 19____ / 20____
at _____
4. **The marriage is irretrievably broken.**
5. **The petitioner (and) respondent has/have been (a) resident(s) of Jackson County for more than thirty (30) days, and of the State of Wisconsin for not less than six (6) months, immediately prior to the commencement of this action.**
6. **There are no minor children born of or adopted to this marriage.**
7. **The wife is (not) pregnant.**
8. **No other legal action affecting this marriage has been brought by either of the parties in this state or elsewhere, except:**
9. **Neither party was previously married (except:**
10. **The parties have not entered into any written agreements as to support, maintenance of either party, or property division.**

PETITIONER REQUESTS THE FOLLOWING RELIEF:

- A. Divorce**
- B. Fair and final property settlement**
- C. Maintenance**
- D. Costs of this action**
- E. Restoration of legal surname**
- F. Such other relief as the court deems just and reasonable**

YOU ARE HEREBY NOTIFIED that pursuant to WI Stat. 767.087, during the pendency of this action; both parties are prohibited from and may be held in contempt of court for:

- (1) harassing, intimidating, physically abusing, or imposing any restraint on the personal liberty of the other party or a minor child of either of the parties;
- (2) encumbering, concealing, damaging, destroying, transferring or otherwise disposing of property owned by either or both of the parties, without the consent of the other party or any order of the court or family court commissioner, except in the usual course of business, in order to secure necessities or in order to pay reasonable costs and expenses of the action, including attorney fees.

These restraining orders apply until the action is dismissed, a final judgment in the action is entered, or the court orders otherwise.

A VIOLATION OF THE ABOVE RESTRAINING ORDER MAY RESULT IN PUNISHMENT FOR CONTEMPT, WHICH MAY INCLUDE MONETARY PENALTIES, IMPRISONMENT AND OTHER SANCTIONS AS PROVIDED FOR IN WI STATS. 785.04.

Date: _____

Petitioner Pro Se