

**INSTRUCTIONS FOR SUMMONS AND PETITION FOR LEGAL SEPARATION
(NO MINOR CHILDREN)**

This form is intended for use by an individual who believes that his or her marriage is irretrievably broken or that his or her marital relationship is broken, and who wishes to file for legal separation. 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 legal separation only if at least one of the parties has lived in Jackson County for thirty (30) days immediately before filing for legal separation. **You do not need to file for legal separation in order to file for divorce.**

Read and fill out the forms. Type or print neatly. Please review carefully the following instructions.

PETITION FOR LEGAL SEPARATION

The numbers on the instructions below correspond to the numbers on the form.

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

1. Print your full name on the line labeled “Petitioner’s name”. Print the other information requested.
2. Print your spouse’s full name on the line labeled “Respondent’s name”. Print the other information requested.
3. Fill in the date on which you were married and the county and state where the marriage took place.
5. Check whether the husband, wife or both parties have resided in Jackson County for 30 days immediately before filing for legal separation.
7. If the wife is pregnant, cross out the word “not”.
8. If one or both of you have previously filed for a legal action affecting this marriage, state in the space provided who filed, in what county and when (if you know the date).
9. If either of you was previously married, indicate in the space provided which party was previously married, to whom, and the date the marriage was terminated (if you know the date).
11. Circle the items that you are requesting the judge to order.
12. In the space provided, state the specific reason why you are requesting a legal separation.

Sign and date the Petition for Legal Separation where indicated.

SUMMONS

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

On the first blank line in the middle of the first page, print your name. Print your address on the second blank line.

Date and sign the document where indicated on the second page. Follow the instructions in the paragraph above as to your address.

Make three additional copies of your documents after you have signed them.

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.**

SERVE THE SUMMONS AND PETITION FOR LEGAL SEPARATION ON THE OTHER PARTY

You must serve the other party to the legal separation with the Summons and Petition for Legal Separation. 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. There is a \$30 charge for every service attempt plus 50 cents per mile, round trip, which 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 for Legal Separation, you can have the respondent sign an Admission of Service form available 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 form, 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.

5/3/05

In re the marriage of:

_____,
Petitioner,

**PETITION FOR LEGAL
SEPARATION
(no minor children)**

and

_____,
Respondent.

Case No. _____

The petitioner states as follows:

1. Petitioner's name: _____
 Address: _____
 City, State, ZIP: _____
 Date of birth: _____ Social Security No. _____
 Occupation: _____
2. Respondent's name: _____
 Address: _____
 City, State, ZIP: _____
 Date of birth: _____ Social Security No. _____
 Occupation: _____
3. The parties to this action were married on _____, 19____ / 20____
 at _____.
4. The grounds for legal separation are:
 - a. The marriage is irretrievably broken with no prospect for reconciliation
 - b. Or the marital relationship is broken.
5. The husband wife parties has/have been (a) resident(s) of Jackson County for thirty (30) days immediately prior to the commencement of this action.
6. There are no minor children born to or adopted by the parties.
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.

11. Petitioner requests the following relief:

- a. Legal separation
- b. Fair and final property settlement
- c. Maintenance
- d. Costs of this action
- e. Such other relief as the court deems just and reasonable

12. Petitioner states the specific reason for requesting a legal separation, pursuant to Wis. Stat. § 767.085(1)(f):

You are hereby notified that pursuant to Wis. 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 an order of the court or a circuit 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 or a circuit court commissioner 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 Wis. Stat. § 785.04.

Petitioner Pro Se

Date

In re the marriage of:

_____,
Petitioner,

LEGAL SEPARATION (Code 40201)

and

SUMMONS (no minor children)

_____,
Respondent.

Case No. _____

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 legal separation 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 legal separation 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 Wis. 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. A copy of the statutory provisions in Chapter 767 generally pertinent to this action for inspection or purchase.

If you require the assistance of auxiliary aids or services because of a disability, please call 715-284-0213 and ask for Kathy Powell.

Dated this _____ day of _____, 20_____.

BY

Petitioner pro se Signature

Name Printed: _____
Address: _____
