

**SUMMONS AND PETITION TO ENFORCE OR MODIFY
A FOREIGN JUDGMENT OR ORDER**

This form is intended for use by individuals who are seeking to ask the court to enforce or modify a family judgment that was originally issued outside of Jackson County.

1. Complete the Summons and Petition to Enforce or Modify a Foreign Judgment or Order.
2. Attach a **certified copy** of your original judgment to the Summons and Petition.
3. Complete either the “Motion to Change Custody or Physical Placement” or the “Motion to Change Court-Ordered Support.”
4. **Make three additional copies of all documents** after you have them signed. Note the affidavit included in the Motion packets must be notarized.
5. Compile the documents into complete sets.
6. Proceed with the instructions attached to the Motion packets regarding filing, fees, and service.

12/20/04

In re the case of:

_____,
Petitioner,

Code 40601

(address)

and

SUMMONS (with minor children)

_____,
Respondent.

Case No. _____

(address)

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

You are hereby notified that the petitioner named above has filed a petition to modify or enforce a judgment 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 54165

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 may grant a Judgment against you for the award of money or other legal action 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.

If you and the petitioner have minor children, accompanying this summons will be a document setting forth the percentage standard for child support established by the Department

of Workforce Development under Wis. Stat. § 49.22(9), and listing the factors that a court may consider for modification of that standard under Wis. Stat. § 767.25(1m).

You are hereby notified that if you and the petitioner have any minor children, violation of the following criminal statutes is punishable by a fine not to exceed \$10,000.00 or imprisonment not to exceed two years (Class E felony) or both; or is punishable by a fine not to exceed \$10,000.00 or imprisonment not to exceed ten years (Class C felony) or both.

§ 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 s. 46.215, 46.22 or 46.23 or licensed child welfare agency, if custody of the child has been transferred under ch. 48 or 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 s. 767.60, 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 conceals 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 s. 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 s. 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.

You are also 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. The procedure for setting, modifying and enforcing child support awards or modifying and enforcing legal custody or physical placement judgments or orders.
5. 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)

Full Name: _____

Address: _____

In re the marriage of:

_____,
Petitioner,

and

_____,
Respondent.

**PETITION TO ENFORCE OR
MODIFY A JUDGMENT OR ORDER
CODE # 40601**

Case No. _____

The petitioner, being first duly sworn on oath, and appearing pro se, 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. A Judgment affecting this family was entered on the _____ day of _____,
 19____ / 20____ in the State of _____, County of _____,
 _____, a certified copy of which is attached.

4. There is/are _____ minor child(ren) born of or adopted to the parties:

<u>Name:</u>	<u>Birthdate:</u>	<u>Social Security No.:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. The custody information set forth on the attached form is given under oath in order to comply with Wis. Stat. § 822.09.

6. The parties have not entered into any written agreements as to support, legal custody, physical placement of the child(ren), maintenance of either party, or property division other than what was made an order in the previous action.

PETITIONER REQUESTS THE FOLLOWING RELIEF:

That the Judgment of the State of _____, County of _____ be registered in Jackson County pursuant to Wis. Stat. §767.02(1)(i) and that it be enforced or modified pursuant to §767.025.

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;
3. without the consent of the other party or an order of the court or a circuit court commissioner, establishing a residence with a minor child of the parties outside the State of Wisconsin or more than 150 miles from the residence of the other party within the state, removing a minor child of the parties from the State of Wisconsin for more than 90 consecutive days or concealing a minor child of the parties from the other party.

Except, that a violation of paragraph (3) is not a contempt of court if the court finds that the action was taken to protect a party or a minor child of the parties from physical abuse by the other party and that there was no reasonable opportunity under the circumstances for the party to obtain an order authorizing the action.

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