

**INSTRUCTIONS FOR SERVICE BY PUBLICATION
FOR DIVORCE/LEGAL SEPARATION/ANNULMENT ACTIONS**

These forms are only to be used if, after reasonable diligence, the respondent cannot be served personally. “Reasonable diligence” may include contacting the respondent’s relatives or friends for a current address and evidence of failed attempts at personal service. See WI Statute § 801.11(1)(c) for more information.

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

SUMMONS BY PUBLICATION:

Under the heading, enter your case information, including the case number.

Insert the first date of publication into the blank in the second paragraph.

Enter the your name and address into the blanks in the third paragraph unless you are afraid of the respondent and he or she does not know your street address. As an alternative, you may use a post office box number or just indicate the county and state in which you reside.

Sign and date the form. Follow the instructions in the paragraph above as to your address.

If the respondent’s last known place of residence was Dane County, take or send a copy of the SUMMONS BY PUBLICATION form to Capital Newspapers, 1901 Fish Hatchery Road, Madison, WI 53713 with a check for \$150. You may be eligible for a fee waiver. Contact the newspaper for more information (608) 252-6018. The notice will run as a class 3 notice and run for three weeks (pursuant to WI Statute § 801.11(1)(c)).

If the respondent’s last known place of residence was another geographic area, you must publish in a newspaper qualified to provide legal notices in that vicinity which is likely to give notice to the respondent.

The newspaper will send you a “Proof of Publication” affidavit. Make one copy of the original form they send you. File the original with the Court Commissioner Center (Room 2000 Dane Co Courthouse).

AFFIDAVIT OF EFFORTS TO LOCATE ABSENT RESPONDENT:

Under the heading, enter your case information, including the case number.

Check all the efforts you have made to locate and to notify the respondent of this court action prior to publication. You may be asked to provide evidence of your actions (receipts, returned mail, etc.)

Sign and date the affidavit in front of a Notary Public for the State of Wisconsin.

Take or send the original to the Court Commissioner Center (Room 2000). Retain a copy for yourself.

In re the marriage of:

- DIVORCE (Code 40101)
- LEGAL SEPARATION (Code 40201)
- ANNULMENT (Code 40201)

Petitioner,

and

SUMMONS BY PUBLICATION

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 divorce, legal separation, or annulment against you.

Within 45 days after _____, exclusive of the date just stated, you must respond with a written demand for a copy of the petition.

The demand must be sent or delivered to this court, whose address is:

Clerk of Circuit Court, Dane County Courthouse Room 1000, 215 S Hamilton Street Madison, WI 53703,

and to _____, the petitioner, whose address is:
_____.

You may have an attorney help or represent you.

If you do not demand a copy of the petition within 45 days, the court may grant 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.

You are hereby notified that if you and the petitioner have minor children, violation of the following criminal statute is punishable by a fine or imprisonment, or both:

Wis. Stat. § 948.31 Interference with custody by parent or others.

If you and the petitioner have minor children, 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) is available upon your request from the clerk of court.

You are further hereby notified of the availability of information set forth in Wis. Stat. § 767.081 from the family court commissioner.

If you require the assistance of auxiliary aids or services because of a disability, call 266-4311 (TDD 266-9138) and ask for the court ADA coordinator.

Dated this _____ day of _____, 20____.

Name Printed: _____

Address: _____

Petitioner Signature: _____

In re the Marriage of:

_____,
(Petitioner)

**AFFIDAVIT OF EFFORTS TO LOCATE ABSENT
RESPONDENT for Divorce, Legal Separation, or
Annulment Actions**

and

(Respondent)

Case No. _____

IVD Case _____

Being duly sworn on oath, I _____ (your name) declare that I am the petitioner in this action. I have been unable to locate the respondent in this matter. I have published proper notice under WI Statute § 801.11(1)(c). An Affidavit of Publication pursuant to WI Statute § 801.10(4)(b) has been filed with the Clerk of Courts.

The following factors should be considered in determining whether I have exercised reasonable diligence in attempting to locate and to notify the respondent of this court action prior to publication.

CHECK OFF EACH ACTION WHEN COMPLETED

_____ 1. Respondent's last known address is _____

- The Sheriff has been unable to serve the respondent at the above address as evidenced by the attached Affidavit of Non-Service
- Mail I have sent to that address has been returned to me by the US Post Office as evidenced by the attached envelopes
- I went to the above address on _____ (date) and was told by the occupants that the respondent no longer resides at that address

_____ 2. I last had contact with or saw the respondent on _____ (date)

_____ 3. I contacted the respondent's relatives on _____ (date). They have no knowledge of the respondent's whereabouts.

_____ 4. I have no knowledge of the respondent's whereabouts.

_____ 5. I have mailed an authenticated copy of the Summons and Petition to the respondent's last known address.

Dated this _____ day of _____, 20____.

Petitioner's Signature

Subscribed and sworn to before me on

Notary Public, State of Wisconsin

My commission expires: _____