

Harassment Injunction - Service by Publication Procedure – forms available in the Dane County Legal Resource Center

Pursuant to Sec. 813.12(2)(a), Stats., if the judge or court commissioner reschedules a hearing and the petitioner files an affidavit stating that personal service by the sheriff or a private server was unsuccessful due to the respondent avoiding service, the petitioner may serve the respondent by publication of a summary of the Petition as a class 1 notice (one time publication in the newspaper). The petitioner must also serve the respondent by mail or facsimile if the respondent's post-office address or facsimile number is known or can with due diligence be found. **The mailing or sending a facsimile may be omitted if the post-office address or facsimile number cannot be found with due diligence.**

The following information shall be provided to the petitioner to assist them in completing the *Affidavit of Mailing*:

1. The petitioner shall mail, by first class mail or send by facsimile, a copy of the *Petition for Injunction* (CV-402 or CV-405) to the respondent if the respondent's address or facsimile number is known or can with due diligence be obtained, together with a copy of the *Order Extending Time for Hearing* (CV-408), which contains the new hearing date.
2. The petitioner shall complete an *Publication Affidavit of Mailing or Facsimile* (CV-506) indicating the date the documents were mailed or faxed to the respondent, and the name and address of the person to whom they were mailed or faxed. The Affidavit must be signed in front of a notary public and be notarized.
3. The completed Affidavit shall be given to the clerk at the court hearing.

The following information shall be provided to the petitioner to assist them in completing the *Notice to Publisher (Domestic Abuse)* (CV-417) or *Publication Notice (Harassment Injunction Hearing)* (CV-505).

1. All blanks on the notice must be completed.
2. The petitioner should take or mail the completed form, with a copy of the *Petition for Injunction* to the Wisconsin State Journal, c/o Madison Newspapers, 1901 Fish Hatchery Road, Madison, Wisconsin 53713. The telephone number is (608) 252-6200. The petitioner will be required to pay for the publication.
3. The legal notice shall be published as a class 1 notice (requiring one insertion in the newspaper).
4. After publication of the notice, the newspaper will mail the petitioner the *Proof of Publication*. The petitioner must bring this document to the court hearing and present it to the clerk. The Proof of Publication should be file-stamped and entered on the Court Record as "POP" (proof of publication).