

In re the marriage of,

SPOUSE1,

SUMMONS

Petitioner,

Case No.

and,

SPOUSE2,

Divorce 40101

Respondent.

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 forty-five (45) days of receiving this summons, you must respond with a written answer, as that term is used in chapter 802, Stats., to the petition. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to this Court, whose address is: Clerk of Circuit Court, Milwaukee County Courthouse, 901 N. Ninth St., Milwaukee, WI 53233; and to the petitioner's attorney, whose address is: Jeffrey W. Jensen, Suite 1515, 633 W. Wisconsin Ave., Milwaukee, WI 53203. You may have an attorney help or represent you.

If you do not provide a proper response within forty-five (45) days, the Court may grant a judgment against you for the award of money or other legal action requested in the petition, or 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 further hereby notified of the availability of information from the family court commissioner set forth in sec. 767.081, Stats, which provides as follows:

767.081 Information from family court commissioner.

(1) Upon the filing of an action affecting the family, the family court commissioner shall inform the parties of any services, including referral services, offered by the family court commissioner and by the director of family court counseling services under s. 767.11. (2) Upon request of a party to an action affecting the family, including a revision of judgment or order under s. 767.32 or 767.325:

(a) The family court commissioner shall, with or without charge, provide the party with written information on the following, as appropriate to the action commenced:

1. The procedure for obtaining a judgment or order in the 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.
- (b) The family court commissioner shall provide a party, for inspection or purchase, with a copy of the statutory provisions in this chapter generally pertinent to the action.

You are further hereby notified that if the parties to this action have minor children, violation of the following criminal statute is punishable by a fine not to exceed \$10,000 or imprisonment not to exceed two years 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, custody, paternity, guardianship or habeas corpus.

2. The department of health and social services 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 to the department, person or agency.

(b) Except as provided under ch. 48, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved 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 E felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. (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 the child's mother in the case of a nonmarital child where parents do not subsequently intermarry under s. 767.60, without the consent of the parents or the mother, is guilty of a Class E felony. This subsection is not applicable if 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 E 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 custody rights to a child, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.09(9).

(c) After issuance of a temporary or final order specifying joint custody rights, takes a child from or causes a child to leave the other parent in violation of the custody order or withholds a child for more than 12 hours beyond the court-approved 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 from imminent physical harm or sexual assault:

2. Is taken by a parent fleeing from imminent physical harm 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.

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 Health and Social Services under sec. 46.25(9)(a), Stats., and listing the factors that a court may consider for modification of that standard under sec. 767.25(1m), Stats.

Dated at Milwaukee, Wisconsin, this _____ day of _____, 1999.

LAW OFFICES OF JEFFREY W. JENSEN
Attorneys for Petitioner

By: _____
Jeffrey W. Jensen
State Bar No. 01012529

633 W. Wisconsin Ave.
Suite 1515
Milwaukee, WI 53203
(414) 224-9484

STATE OF WISCONSIN: CIRCUIT COURT: MILWAUKEE COUNTY:
FAMILY COURT BRANCH

In re the marriage of,

SPOUSE1,

PETITION FOR DIVORCE

Petitioner,

Case No.

and,

SPOUSE2,

Respondent.

1. The petitioner, Spouse1, born ***, resides at ***, in the City of ***, County of ***, Wisconsin; the petitioner is by occupation a ***, and has a social security number of ***.

2. The respondent, Spouse2, born ***, resides at ***, in the City of ***, County of ***, Wisconsin; the respondent is by occupation a *** and has a social security number of ***.

3. The parties were married on ***.

4. The petitioner has been a bona fide resident of *** County for more than thirty days immediately preceding the commencement of this action and of the State of Wisconsin for more than six months immediately preceding the commencement of this action.

5. (a) *** children have been born to or adopted by the parties of this marriage, of which the following are minor children:

6. The wife is not pregnant.

7. The marriage is irretrievably broken.

8. No other action for divorce, annulment, or legal separation by either of the parties has been at any time commenced or is now pending in any other court or before any judge thereof in this state or elsewhere.

9. The petitioner was not previously married. The respondent was not previously

married.

10. The parties have not entered into a written agreement as to any of the issues in this action.

11. Pursuant to sec. 84010, Stats., this action affects real property. Therefore, the court will be required to confirm or change interests in the real property that is described as follows:

12. The following custody information is given in compliance with sec. 822.09 Stats:

(a) The minor children named above presently reside with the petitioner at ***;

(b) Within the last five years, the minor children have lived at ***;

(c) The petitioner has not previously participated as a party, witness, or in any other capacity in other litigation concerning the custody of the above-named minor children in this or any other state;

(d) The petitioner is unaware of any custody proceedings concerning the above-named minor children pending in a court of this or any other state.

(e) The petitioner knows of no person not a party to this action who has physical custody of the minor children or claims to have legal custody, physical placement, or visitation rights with respect to the minor children.

(f) The petitioner understands that as a party to this action, she has a continuing duty to inform this court of any custody proceedings brought concerning the children in this or any other state.

PETITIONER REQUESTS THE FOLLOWING RELIEF:

A. Divorce;

B. The care and joint or sole legal custody and physical placement of the minor children;

C. Child support;

D. Property division;

E. Maintenance;

F. Family Support;

G. Attorney fees and costs;

H. Income assignment;

I. Restoration of legal surname;

J. The services provided under sec. 46.25, Stats.

K. Such other relief as is appropriate.

Dated at Milwaukee, Wisconsin, <date today >.

Petitioner

Subscribed to and sworn before me this
day of 1992:

Notary Public