

**INSTRUCTIONS FOR SUMMONS AND PETITION FOR ANNULMENT  
(NO MINOR CHILDREN)**

This form is intended for use by an individual who wishes to file for annulment. 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 annulment only if at least one of the parties has lived in Dane County for thirty (30) days or if the parties were married in the State of Wisconsin within one year immediately before filing for annulment.

Read and fill out the forms. Type or print neatly. Please carefully review the following instructions. **The numbers on the instructions below correspond to the numbers on the forms.**

**PETITION FOR ANNULMENT**

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.
4. Circle the option that indicates why you are filing for annulment.
5. Check whether the husband, wife or both parties have resided in Dane County for 30 days or if you were married in the State of Wisconsin within one year immediately before filing for annulment.
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 were 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.

Sign and date the Petition for Annulment 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.

## CONFIDENTIAL PETITION ADDENDUM

The Confidential Petition Addendum form may be obtained at [www.countyofdane.com/court/prepare/formFamily.aspx](http://www.countyofdane.com/court/prepare/formFamily.aspx) or in the Legal Resource Center, Room L1007, of the Dane County Courthouse.

- 1A. Print the wife's full name and the requested information.
- 1B. Print the husband's full name and the requested information.
- 1C. Complete only if applicable.
- 2A. Check the "None" box if the parties to this action have no minor children together.
- 2B. Complete if applicable, or check the "None" box.

Date and sign the document where indicated.

**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, Room 1000, Dane County Courthouse, 215 S Hamilton Street, Madison, WI 53703 to file the case. If either party is requesting maintenance, the filing fee will be the current Family Action to Commence with Petition for Maintenance or Support fee. If neither party is requesting maintenance, the filing fee will be the current Family Action to Commence with no Petition for Maintenance or Support fee. The fee chart may be obtained at <http://www.countyofdane.com/court/prepare/fees.aspx> or in Room 1000 of the Dane County Courthouse.

\*\*\*If you believe that you are entitled to a waiver of the fee due to poverty, you will need to complete a Petition for Waiver of Filing and Service Fees available at the Court Commissioner Center, Room 2000, Dane County Courthouse. The Court will determine if the fee can be waived. **If you ask for a waiver, do so before paying any fees, not after.**

In order to receive a waiver, **a requester receiving aid must provide:**

- The completed Petition for Waiver of Fees and Costs – Affidavit of Indigency and Order, Form CV-410; and
- The proposed pleading, original and required copies.

**If the requester does not receive aid**, he/she must complete Section 2 of the Petition and provide the following:

- The completed Petition for Waiver of Fees and Costs – Affidavit of Indigency and Order, Form CV-410;
- The proposed pleading, original and required copies; and
- Paystubs for the past 30 days for any type of income, earned or unearned;
- Taxes for self employment;
- Unemployment amounts, if any received;
- Child support payments received.

### **SERVE THE SUMMONS AND PETITION FOR ANNULMENT**

You must serve your spouse with an authenticated copy of all documents you filed with the Court. Service must be accomplished within 90 days of the filing date. Below are some of the options you may use for service.

#### **Service by Sheriff**

If the other party lives within Dane County, you may have the documents served on the other party by the Dane County Sheriff's Office Civil Process Unit, Public Safety Building, 115 W. Doty St. Room 2002, Madison, WI 53703. The Sheriff's Office will need two copies of the forms you filed in Step 2. There is a \$40 charge for every service attempt plus 55.5¢ per mile, round trip, that the deputy travels.

Once the Sheriff has served the forms, you will be sent a Proof of Service form. Make a copy for your records and return the original to the Court Commissioner Center, Room 2000 of the Dane County Courthouse. If the person to be served lives outside of Dane County, call the Sheriff's Office in that county for instructions on service of the paperwork.

#### **Service by Private Process Server**

You may use a private process server to serve the documents. To locate a private process server, look in the phone book yellow pages under "Process Servers." Once the forms have been served, you will be sent a Proof of Service form. Make a copy for your records and return the original to the Court Commissioner Center, Room 2000 of the Dane County Courthouse.

#### **Admission of Service**

If you believe the respondent will be willing to admit that he or she received the Summons and Petition, you can have the respondent sign an Admission of Service form available at the Dane County Legal Resource Center in Room L1007 or 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, make a copy for your records and return the original to the Court Commissioner Center, Room 2000 of the Dane County Courthouse.

### **Service by Publication (Last Resort)**

First, you must attempt to personally serve the respondent at their last known address. If, after reasonable diligence, you are unable to locate the respondent, you may have to publish the notice in the newspaper according to WI Statute §985.02(1). “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. A separate packet with forms and instructions for “Service by Publication,” including an Affidavit of Efforts to Locate the Absent Respondent, are available at the Dane County Legal Resource Center or online on the Dane Co. Clerk of Courts Family Court Forms page at <http://www.countyofdane.com/court/prepare/formFamily.aspx>



In re the marriage of:

\_\_\_\_\_,  
Petitioner,

**PETITION FOR ANNULMENT  
(no minor children)**

and

\_\_\_\_\_,  
Respondent.

Case No. \_\_\_\_\_

The petitioner states as follows:

1. Petitioner's name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Date of birth: \_\_\_\_\_  
 Occupation: \_\_\_\_\_
2. Respondent's name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_  
 Date of birth: \_\_\_\_\_  
 Occupation: \_\_\_\_\_
3. The parties to this action were married on \_\_\_\_\_, 19\_\_\_\_ / 20\_\_\_\_  
 at \_\_\_\_\_.
4. Indicate the grounds for the annulment:
  - a. A party lacked capacity to consent to the marriage at the time the marriage was solemnized, either because of age, mental incapacity or infirmity, or the influence of alcohol, drugs, or other incapacitating substances, or a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage. Suit may be brought by either party or by the legal representative of a party lacking the capacity to consent, no later than one year after the petitioner obtained knowledge of the described condition.
  - b. A party lacks the physical capacity to consummate the marriage by sexual intercourse, and at the time the marriage was solemnized the other party did not know of the incapacity. Suit may be brought by either party no later than one year after the petitioner obtained knowledge of the incapacity.

- c. A party was 16 or 17 years of age and did not have the consent of his or her parent or guardian or judicial approval, or a party was under 16 years of age. Suit may be brought by the underaged party or a parent or guardian at any time prior to the party's attaining the age of 18, but a parent or guardian must bring suit within one year of obtaining knowledge of the marriage.
  - d. The marriage is prohibited by the laws of this state. Suit may be brought by either party within 10 years of marriage, except that the 10-year limitation shall not apply where the marriage is prohibited because either party has another spouse living at the time of the marriage and the impediment has not been removed under Wis. Stat. § 765.24.
5. The  husband  wife  parties has/have been (a) resident(s) of Dane County for thirty (30) days or,  
 the parties were married in this state within one year 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. Annulment
  - b. Fair and final property settlement
  - c. Maintenance
  - d. Costs of this action
  - e. Restoration of former legal surname
  - f. Such other relief as the court deems just and reasonable

**You are hereby notified** that pursuant to Wis. Stat. § 767.117, 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,

ANNULMENT (Code 40201)

and

\_\_\_\_\_,  
Respondent.

**SUMMONS (no minor children)**

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 annulment 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:

Court Commissioner Center, Room 2000, Dane County Courthouse, 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 provide a proper answer within twenty (20) days, the court will enter a default judgment granting an annulment 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. § 767.105(2), you may request, and may have to pay for, the following written information from the Court Commissioner Center:

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 of inspection or purchase.

**If you require the assistance of auxiliary aids or services because of a disability, call 266-4311 (TDD 266-4625) and ask for the court ADA coordinator.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

BY

\_\_\_\_\_  
Petitioner Signature

Name Printed: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

