

Service Packet

“Service” and “service of process” are legal terms used to describe the act of giving notice of a lawsuit or court hearing to another person. There are several different methods and very specific time limits by which you must have the other party served. The type of service you are required to use depends on the type of action you are filing. If you do not have the other party served properly (within the correct time limits and using the correct method), the court cannot hear or decide your case.

Notice: This packet describes only the most common methods of service available for use. Please seek legal assistance if you would like to explore additional/alternative methods or if the forms you are filing are not listed.

Court Self-Help Form	Required Type of Service	Service Time Limits
Summons and Petition for Divorce/Legal Separation (FA-4104/FA-4105)	Personal	Within 90 Calendar days from the date the divorce/legal separation was filed
Order To Show Cause and Affidavit for Temporary Order (FA-4128/FA-4129)	Personal	Not less than 5 Business days before the date of the Temporary hearing
Order To Appear (FA-4142)	Personal	Not less than 24 hours if the other party lives within the county the action is filed Not less than 72 hours if the other party does NOT live in the county the action is filed, but does live in the State of Wisconsin
Motion for and Notice of New (DeNovo) Hearing (FA-4130)	Personal (Contempt Matters)	Not less than 5 Business days before the date of the hearing
	Mail (All other matters)	Not less than 8 Business days before the date of the hearing
Notice of Motion and Motion (FA-4170)	Mail (Personal Service Preferred)	Not less than 8 Business days before the date of the hearing
Order To Show Cause for Contempt (FA-4171/FA-4172)	Personal	Not less than 5 Business days before the date of the hearing
Subpoena (GF-126)	Personal	Not less than 10 Business days before the date of the hearing
Notice of Hearing and Motion to Enforce Physical Placement (FA-409/FA-410)	Personal	Not less than 5 Business days before the date of the hearing
Summons and Petition for Visitation Rights of Other Persons (P-3111)	Personal	Within 90 Calendar days from the date the Summons and Petition were filed

NOTE: If you are unable to serve the other party within the required time limits, you may write a letter to the court requesting a different court date. You must then have the other party served with the new court date, if granted.

WARNING: Copies, NOT original documents, should be given to the other party. The originals (if in your possession) and proof of service need to be returned to court after the other party has been served.

Court Related Offices		
<p>Court Self-Help Center Courthouse, Room C-108 262-548-7524 http://courtsselfhelp.waukeshacounty.gov</p>		
Hours of Operation:		
<p>Walk-ins: Mon 8:30 am - 12 pm Wed 12:00 pm - 4 pm Fri 8:30 am - 4 pm</p>	<p>Appointments: Tues 12:30 pm - 4 pm Thurs 8:30 am-12 pm *limited to 30 minutes</p>	<p>By phone: Tues 9-10 am Thurs 2-3 pm * limited to 5 minutes</p>
<p>Family Legal Clinic Available by appointment Only Wednesdays: 4:30-6:30 pm * limited to 20 minutes</p>		
<p>Child Support Agency Administration Building, Room 348 414-615-2586</p>	<p>Family Court Office Courthouse, Room C-112 262-548-7544</p>	
Open: Mon-Fri 8 am - 4:30 pm	Open: Mon-Fri 8 am - 4:30 pm	
<p>Waukesha County Courthouse, 515 W. Moreland Blvd, Waukesha, WI 53188</p>		
<p>Notary Public Services are available at no charge in the Family Court Office and Copies can be made in the Court Self-Help Center for \$.15 per page</p>		

Personal Service

There are **five** basic ways to have the other party personally served:

1. Voluntary Admission

A. When serving the Other party

You may give the documents to the other party and **ask** that he/she voluntarily accept the papers from you. If the other party agrees to accept the documents, you need to:

- Complete the caption of the **Admission of Service** (FA-4119).
- Have him/her complete and sign the bottom.
- Return the **Admission of Service** and a set of the documents served, as soon as possible, to the Clerk of Courts. Remember to keep a copy for your records.

B. When serving the State of Wisconsin / Child Support Agency

If the **State of Wisconsin** is a party to the action, you must serve your local Child Support Agency using the following steps below.

- Take a copy of the forms to be served to the Child Support Agency.
- Give the papers to a representative from the Child Support Agency and ask him/her to “admit service.” He/she will complete the bottom portion of the **Admission of Service** (FA-4119).
- Return the **Admission of Service** to the Family Court Office as proof of service (keep a copy for your records).

If the other party will not voluntarily accept the papers from you, or you do not wish to have contact with the other party, you must have the other party served using one of the other methods described below.

2. Sheriff’s Department

The **Sheriff’s Department**, of the County in which the individual to be served resides, may serve the other party. Proof of service and a set of the documents which were served must be returned to court as soon as possible. If serving an individual Remember to keep a copy for your records.

3. Private Process Server

You may make arrangements with a **private process server** to have the other party personally served. Contact individual companies for fees and procedural information. To find a private process server in your or the other party’s area, you may look under “Process Service” using a phone or internet directory or by going to <http://www.iprocessservers.com>. Proof of service and a set of the documents that were served must be returned to court as soon as possible. Remember to keep a copy for your records.

4. Service using a Friend or Relative

A friend or relative who is over 18, is a resident of Wisconsin, and is not a party to the action may also serve the other party.

- You:** complete the caption of the **Affidavit of Service** (FA-4120).
- Friend or Relative:** Gives a copy of the paperwork to the other party.
- Friend or Relative:** Completes the bottom portion of the **Affidavit of Service**.
- Friend or Relative:** Signs it in the presence of a notary public.
- You:** Return the **Affidavit of Service** and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to keep a copy for your records.

LAST RESORT

Before attempting this last resort, you should consider seeking legal assistance. There are specific and complicated rules that must be followed to successfully serve a party by publication.

5. Service by Publication

Service by Publication is a **last resort** and can **only** be used if you failed to have the other party served by one of the methods above. You have a responsibility to make every effort to personally serve the other party if possible, which includes gathering reasonably available information from family and friends to try and determine the other party’s location.

The option of **Service by Publication** is only available to you if you can answer yes to **all** of the following:

- You have tried service using the Sheriff’s Department or a private process server.
- You have given them as much information as possible to help them find the other person.

- The Sheriff's Department or private process server cannot find the other person after a diligent search and have provided you with an **Affidavit of Due Diligence/Not Found/Attempted Service** stating that the other party could not be found. Keep this affidavit.

The **Service by Publication Packet** is available to assist individuals with **Service By Publication** who are filing an action for divorce/legal separation **ONLY**.

Service by Mail

Serving documents on the other party by mail is allowed for certain types of actions. If service by mail is allowed, you must:

- Mail copies of the documents to the other party.
- Complete the **Affidavit of Mailing** (FA-4121) and sign it in the presence of a Notary Public.
- Return the **Affidavit of Mailing** and a set of the documents that were mailed to the court as soon as possible. Remember to keep a copy for your records.

WAUKESHA COUNTY SHERIFF'S DEPARTMENT

CIVIL PROCESS SERVICE

Frequently Asked Questions

How Much Does It Cost To Have Documents Served By The Sheriff's Department?

The Sheriff's Department charges **\$60.00 for every three (3) service attempts** upon individuals within Waukesha County and \$22.50 for each additional named party at the same address. After the 3rd attempt, the customer will be contacted to see if additional attempts are desired. If so, the fee will be \$50.00 for the next three (3) service attempts until the paper is served or the customer no longer desires service.

The fee may be waived if the court grants a **Waiver of Filing and Service Fees** (available in the courthouse, room C-108) and a copy of the signed Waiver is provided to the Sheriff's Department.

In What Form Does The Sheriff's Department Accept Payment?

The Sheriff's Department accepts cash, check, or money orders. Sorry, the department **does not** accept credit or debit cards.

Will the Waukesha County Sheriff's Department Serve an Individual Who Does Not Live In Waukesha County?

No; however, they can provide you with an address and telephone number for the Sheriff's Department of the correct county.

Where Is The Sheriff's Department Process Division Located?

The Sheriff's Department is located directly behind the courthouse. From Moreland Blvd., go south on Riverview Ave. and follow the signs to the Justice Center. To get to the Process Division, enter the building through **door number 8**, and go to the middle window marked Civil Process/ Warrants.

What Do I Need To Prepare To Have Documents Served By the Sheriff's Department?

Please provide the following information:

- Two copies of the documents to be served: one set of documents to serve on the individual and one copy for the Sheriff's Department to return to the court (if it is a Waukesha County document). Please make sure the papers are legible.
- Last known address of the party you wish to serve (also include a work address if possible). Let the Sheriff's Department know if you are unsure of an address. If you feel the individual may avoid service, or if you are unsure of the address, forms are available in the Sheriff's Department for you to complete to assist the Sheriff's Deputy.

How Do I Arrange To Have the Sheriff's Department Serve Documents on Another Party?

There are three ways to request the Sheriff's Department to serve the other party:

Between 8:00 a.m. and 4:30 p.m.

In Person: Take the documents to be served to the Sheriff's Department's Process Division. Provide the clerk with the address to which you want the documents to be served. He/she will calculate the amount due and take your payment.

Any other time (24hrs)

In Person: You may deliver the documents to be served, along with exact payment, to the end window marked Administration. An on-duty deputy will take the documents to be served along with exact payment. You must leave your name, telephone number, address, and the address at which you want the papers served. The deputy will not issue you a receipt at that time, but a receipt will be issued and mailed to you once service is complete.

By Mail: Depending on your court date, you may also call for payment information and mail the payment and documents to be served to the Sheriff's Department. Be sure to also include your name, telephone number, address, and the address at which you want the papers served.

What If The Deputy Cannot Find The Other Party?

The Sheriff's Department does its best to serve papers in a timely manner; however, some individuals avoid service or cannot be found. If either of those situations occurs, the Sheriff's Department will send you an **Affidavit of Due Diligence/Not Found**, which will state why they were unable to make service. If the last known address is located in another county, the Sheriff's Department will provide you with an **Affidavit of Due Diligence/Not Found** with the correct address listed on it.

What Happens After The Other Party Has Been Served?

If the case was filed in Waukesha County, the Sheriff's Department will send a copy of the documents, with an attached **Affidavit of Service (they provide their own form)**, to the Waukesha County Family Court Office. If the case was not filed in Waukesha County, the Waukesha County Sheriff's Department will send the documentation, with the **Affidavit of Service**, to you directly. You must remember to file these documents in the Family Court Office of the County in which the case is filed. If the Sheriff's Department in another county served the other party, you must make arrangements to have the forms and proof of service returned to you so that you can file it the Waukesha County Family Court.

If you have additional questions about how the Sheriff's Department serves, please call (262) 548-7151 (262) 548-7152.

Monday-Friday 8:00 a.m. - 4:30 p.m.