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| Enter the name of the county in which you are filing this case. | **STATE OF WISCONSIN, CIRCUIT COURT,**  **WAUKESHA COUNTY** | | For Official Use **SUMMONS**  Grandparent Visitation Pursuant to 767.43(3)  Case Code - 40803  Third Party Visitation  Case Code - 40803 |
| After “In re visitation with” fill in the child(ren)’s first and last initials | IN RE VISITATION WITH:      .  **Petitioner A:**    First name Middle name Last name    Address  .  City State Zip Cell Phone **Petitioner B:**    First name Middle name Last name    Address  .  City State Zip Cell Phone  AND |  |
| You are the Petitioner, enter your name, address, and daytime phone number under Petitioner “A”. Do the same for Petitioner “B” if applicable |
| **Note: Leave case number blank;** the clerk will add this.  **Unless filing within the existing family action.** |
| For Respondent, enter the **name of the mother** of the child(ren) in the underlying action. | **Respondent: Mother of Child(ren):**    First name Middle name Last name    Address  .  City State Zip Cell Phone **Respondent: Father of Child(ren):**    First name Middle name Last name    Address  .  City State Zip Cell Phone | Case No.  (enter case number of underlying action affecting the family if applicable) | |
| For Respondent, enter the **name of the father** of the child(ren) in the underlying action. |

**The State of Wisconsin, to the persons named above as respondents:**

1. You are notified that the petitioner named above has filed a petition to establish visitation rights with your minor child(ren). The **Petition**, which is attached, states the nature and basis of the legal action.
2. Within 20 days of receiving this **Summons**, you must provide a written response **(Answer)**, as that term is used in ch. 802, Wis. Stats., to the **Petition**. The court may reject or disregard a response that does not follow the requirements of the statutes.

The response must be sent or delivered to the following government offices:

**Clerk of Circuit Court**

**Waukesha County Courthouse, Room C-153**

**515 W Moreland Boulevard**

**Waukesha, WI 53188.**

1. It is **recommended**, but not required, that you have an attorney help or represent you.
2. If you do not provide a proper **Answer** within twenty (20) days, the Court may grant judgment against you, 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.

If you require reasonable accommodations due to a disability to participate in the court process, please call: 262-548-7544 prior to the scheduled court date. Please note that the court does no provide transportation.

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| Petitioner A’s Signature | |
|  | |
| Print or Type Name | |
|  |  |
| Date State Bar No. (if any) | |

Sign and print your name.

Enter date on which you singed your name.

**Note:** This signature does not need to be notarized.

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|  | |
| Petitioner B’s Signature | |
|  | |
| Print or Type Name | |
|  |  |
| Date State Bar No. (if any) | |

**\*\*IMPORTANT NOTICES\*\***

**You are hereby notified of the availability of information from the Family Court Commissioner set forth in Section 767.105 of the Wisconsin Statutes, which provides as follows:**

**767.105 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 to other agencies and services, offered by Family Court Counseling under s. 767.11.
2. Upon the request of a party to an action affecting the family, including a revision of judgment or order under s. 767.32 or 767.325.
3. The Family Court Commissioner shall, with or without charge, provide the party with written information on the following, as appropriate to the action commenced.
4. The procedure for obtaining a judgment or order in the action.
5. The major issues usually addressed in such an action.
6. Community resources and family court counseling services available to assist the parties.
7. The procedure for setting, modifying, and enforcing child support awards, or modifying and enforcing legal custody or physical placement judgments or orders.
8. 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 the 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 ten (10) 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, child custody, paternity, guardianship or habeas corpus.

2. The department of children and families or the department of corrections or any person, county department under s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision of the child has been transferred under ch. 48 or 938 to that department, person, or agency.

(b) Except as provided under chs. 48 and 938, whoever intentionally causes a child to leave, takes a child away or withholds a child for more than 12 hours beyond the court-approved period of physical placement or 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 F felony. This paragraph is not applicable if the court has entered an order authorizing the person to so take or withhold the child. The fact that joint legal custody has been awarded to both parents by a court does not preclude a court from finding that one parent has committed a violation of this paragraph.

(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, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.803, from the child's mother or, if he has been granted legal custody, the child's father, without the consent of the parents, the mother or the father with legal custody, is guilty of a Class I felony. This subsection is not applicable if legal 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 F 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 child custody rights, takes the child or causes the child to leave with intent to deprive the other parent of physical custody as defined in s. 822.02 (14).

(c) After issuance of a temporary or final order specifying joint legal custody rights and periods of physical placement, takes a child from or causes a child to leave the other parent in violation of the order or withholds a child for more than 12 hours beyond the court-approved period of physical placement or 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 in a situation in which the parent or authorized person reasonably believes that there is a threat of physical harm or sexual assault to the child;

2. Is taken by a parent fleeing in a situation in which the parent reasonably believes that there is a threat of physical harm or sexual assault 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).

948.31(6)(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.