

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY
Check marriage or paternity. If paternity, enter initials of child.	IN RE: THE <input type="checkbox"/> MARRIAGE OF <input type="checkbox"/> PATERNITY OF _____ Petitioner/Joint Petitioner A
Enter the name of Petitioner/Joint Petitioner A.	Name (First, Middle and Last) _____ and
Enter the name of Respondent/Joint Petitioner B.	Respondent/Joint Petitioner B Name (First, Middle and Last) _____
Enter the case number.	Case No. _____

**Petition for Appointment
of Guardian ad Litem**

Check A, B or C.

If B, check 1 or 2.

If 2, check a or b.
If a, enter the name of the party who would be caused hardship and enter the reasons why.

If b, check 1, 2, or 3.

If C, enter the reasons why a GAL should be appointed now and not after mediation was attempted.

Enter the name, date of birth [month, day, year], of each child whom you believe needs a GAL appointed on his/her behalf.

Enter the requested information about Petitioner/ Joint Petitioner A in this case.

- I ask the court to appoint a guardian ad litem (GAL) for one or more of the minor children and believe it is appropriate now because:
 - A. One of the parties in this action believes that an unborn child or one or more of the minor children born during the marriage is not a product of the marriage.
 - B. There is an ongoing legal custody or physical placement dispute between the parties that will require the appointment of a GAL because:
 - 1) This matter has been referred to Family Court Services for mediation and that process has been unsuccessful.
 - 2) This matter has not been referred for mediation because I believe that attendance at an initial session of mediation would:
 - a. Cause undue hardship to _____ because: _____
 - b. Endanger the health or safety of one or both of the parties or the minor children because sufficient evidence is available to show:
 - 1. A party has engaged in abuse of the minor children, as defined in ch. 948 or § 813.122, Wis. Stats.
 - 2. There has been interspousal battery as described under ch. 940 Wis. Stat., or domestic abuse as defined in §813.12, Wis. Stats.
 - 3. One or both parties has/have a significant problem with alcohol or drug abuse.
 - C. There is good reason to appoint the GAL now rather than wait until mediation has been completed because: _____

2. The minor children in question include:

Name of Minor Child	Date of Birth [Month, Day, Year]

3. Petitioner/Joint Petitioner A:

Name _____
 Street Address _____
 City, State, Zip _____
 Phone [Day] _____ [Evening] _____

4. Respondent/Joint Petitioner B:

Name _____

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

Enter the requested information about the Respondent/Joint Petitioner B in this case.

Street Address _____
City, State, Zip _____
Phone [Day] _____ [Evening] _____

Check A or B.
If B, enter the date [month, day, year] the GAL was appointed and the name of the GAL.

5. **Current Status:**
 A. A GAL has never been appointed for the minor children in the past.
 B. A GAL was appointed in the past on _____.
The GAL's name was _____.

6. I understand that the court may order one or both parties to pay guardian ad litem fees.

If no objection is filed with the court within five (5) business days after this request is served on the other party or their attorney, I request that the court appoint an attorney admitted to practice law in this state to act as GAL for the minor children. If an objection is filed, I request a hearing be set on this petition.

If you require reasonable accommodations due to a disability to participate in the court process, please call _____ prior to the scheduled court date. Please note that the court does not provide transportation.

Sign and print your name.
Enter the date on which you signed your name.

Note: This form does not need to be notarized.

▶ _____
Signature

Print or Type Name

Address

Email Address Telephone Number

Date State Bar No. (if any)

Appointment of Guardian ad Litem

NOTICE: Family and divorce laws change often. These forms may not be appropriate for all situations. They are intended to be useful in many cases and may have to be changed in some way to fit your case. Talk to a lawyer if you are unsure that these forms are the most appropriate for your situation. **Court staff cannot give legal advice.**

A Guardian ad Litem (GAL) is an attorney who is appointed by the court to represent the best interests (not wishes) of a minor child. A GAL **must** be appointed if a minor child has been born during the marriage and one of the parties believes the other party is not the father or if one of the parties is seeking to substantially change the amount of time a child will spend with a parent. A GAL **may** be appointed if there are other legal custody or physical placement issues for which the court believes is in the best interests of the child which need to be protected.

For fee information, contact the court in the county in which the case is filed. You may be required to pay a deposit once a GAL is appointed.

Either party may request a GAL be appointed by completing the instructions below. Once the request is made, the judge reviews the request and orders the GAL at his/her discretion. The judge may appoint a GAL even if neither party requests one.

Procedural Checklist

- 1. Complete the **Petition for Appointment of Guardian ad Litem (FA-4136V)** form.
- 2. Make two (2) copies.
- 3. Keep one copy for your records and mail a copy of the **Petition for Appointment of Guardian ad Litem** form to the other party.
- 4. Complete the **Affidavit of Mailing (FA-4121V)** form and make a copy for your records. See the **Service Packet (FA-5000V)** for more information.
- 5. File the original **Petition for Appointment of Guardian ad Litem** and **Affidavit of Mailing (FA-4121V)** form with the court. Ask the Clerk of Court how the parties will be notified of the court's decision.

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.
 Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.
 Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.
 Enter the case number.

STATE OF WISCONSIN, CIRCUIT COURT,
MANITOWOC COUNTY

IN RE: THE MARRIAGE PATERNITY OF _____

Petitioner/Joint Petitioner A

Name (First, Middle and Last)

and

Respondent/Joint Petitioner B

Name (First, Middle and Last)

Affidavit of Mailing

Case No. _____

AFTER you have mailed the documents, you must complete the information to the right by **checking the boxes indicating the specific documents that you mailed.**

To review decision for a harassment or domestic abuse injunction, use Motion for DeNovo Hearing (CV-503) form.

If a motion, enter the type of motion.

Enter the date [month, day, year] on which you placed the documents in a mailbox, and the name and address of the person to whom you mailed them.

UNDER OATH I STATE:

I placed in an envelope a copy of the following documents:

- A blank Income and Expense Statement (FA-4138V) form
- A blank Financial Disclosure Statement (FA-4139V) form
- Requirement to attend parent education
- Motion for and Notice of New (De Novo) Hearing (FA-4130V) form
- Response and Counterclaim (FA-4113V) form
- Notice of Motion to Change: (FA-4170V/FA-4171V - Post Judgment) form
- Motion for: _____
- Other: _____

I mailed that envelope with proper postage affixed on [Date] _____, 20____ to:

Name _____
 Address _____
 Address _____
 City _____ State _____ Zip _____

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public. Have the Notary Public sign and date.

State of _____
 County of _____
 Subscribed and sworn to before me on _____

 Notary Public/Court Official

 Name Printed or Typed
 My commission/term expires: _____

This notarial act involved the use of communication technology.

 Signature

 Print or Type Name

 Address

 Telephone Number

 Email Address

 Date

 State Bar No. (if any)

Service

“Service” or “service of process” are the 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 forms 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 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-4104V/FA-4105V)	Personal	Within 90 Calendar days from the date the divorce/legal separation was filed
Order To Show Cause and Affidavit for Temporary Order (FA-4128V/FA-4129V)	Personal	Not less than 5 Business days before the date of the Temporary hearing
Response & Counterclaim (FA-4113V)	Mail	Within 20 Calendar days after the date of service
Order To Appear (FA-4142V)	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 in the State of Wisconsin
Motion for and Notice of New (DeNovo) Hearing (FA-4130V)	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 (Post Judgment) (FA-4170V)	Mail	Not less than 8 Business days before the date of the hearing
Order To Show Cause (Post Judgment) (FA-4171V/FA-4172V)	Personal	Not less than 5 Business days before the date of the hearing
Notice of Motion and Motion to Relocate with Minor Children (FA-4178V)	Mail	Not less than 8 Business days before the date of the hearing
Objection to Relocate with Minor children and Motion to change Placement and/or Custody (FA-4179V)	Mail	Not less than 5 Business days before the date of the hearing
Subpoena (GF-120)	Personal	Not less than 10 Business days before the date of the hearing
Petition to Enforce Physical Placement (FA-609)	Personal	Not less than 5 Business days before the date of the hearing

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.

WARNING: Copies, NOT original documents, should only 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.

Personal Service

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

1A. Admission of Service by 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 and an **Admission of Service** form (FA-4119V) 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** form.
- Return the **Admission of Service** form to the Clerk of Courts Office as proof of service (keep a copy for your records).

1B. Admission of Service for 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** form (FA-4119V).
- Have him/her complete and sign the bottom.
- Return the **Admission of Service** form and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to 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. 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 which were served must be returned to court as soon as possible. Remember to keep a copy for your records.

4. Service by Friend or Relative

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

- You:** complete the caption of the **Affidavit of Service** form (FA-4120V).
- 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** form 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 make personal service 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 personal service through 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.
- You have been given an **Affidavit of Due Diligence/Not Found/ Attempted Service** by the Sheriff's Department or private process server stating that the other party could not be found. Keep this affidavit.

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

Service by Mail

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

- Mail copies of the documents to the other party.
- Sign a sworn affidavit called the **Affidavit of Mailing** (FA-4121V) 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.