

HON. TODD L. ZIEGLER
Branch 1

CIRCUIT COURT
STATE OF WISCONSIN FAMILY COURT BRANCH MONROE COUNTY

In re the marriage of:

JENNIFER HOWE SAULS McKINNEY

Petitioner,

and

ISRAEL RYAN McKINNEY

Respondent.

SUMMONS

LEGAL SEPARATION: 40201

Case No. 12-FA- '12 FA 108

FILED

APR 03 2012

Clerk of Circuit Court
Monroe County Wisconsin

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 Legal Separation 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 Wis. Stat. ch. 802, 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
Monroe County Courthouse
112 So. Court Street
Sparta, WI 54656

and to the petitioner's attorney:

Attorney Ann I. Brandau
BRANDAU & WALTZ LAW OFFICES, LLP
420 5th Avenue South, Ste. B
P. O. Box 924
La Crosse, WI 54602-0924

You may have an attorney help or represent you.

If you do not provide a proper response within twenty (20) 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 or seizure of property.

You are further hereby notified of the availability of information set forth in Wis. Stat. § 767.105 from the family court commissioner, which provides as follows:

767.105 Information from the office of family court commissioner.

(1) INFORMATION ON AVAILABLE SERVICES. Upon the filing of an action affecting the family, the office of family court commissioner shall inform the parties of any services, including referral services, offered by the office of family court commissioner and by the director of family court counseling services under s. 767.405.

(2) OTHER INFORMATION ON REQUEST. Upon request of a party to an action affecting the family, including a revision of judgment or order under s. 767.451 or 767.59:

(a) The office of 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 office of 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 you and the petitioner have (a) minor child(ren), violation of the following criminal statute is punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 12 years and 6 months, 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 health and social services or the department of corrections or any person, county department under s. 46.215, 46.22 or 46.23 or

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licensed child welfare agency, if custody of the child has been transferred under ch. 48 or 938 to that department, person or agency.

(b) Except as provided under ch. 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. 767.60, 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(9).

(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).

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(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 Workforce Development under Wis. Stat. § 49.22(9) and listing the factors that a court may consider for modification of that standard under Wis. Stat. § 767.25(1m).

Dated this 29th day of March, 2012.

BRANDAU & WALTZ LAW OFFICES, LLP

By 

Ann I. Brandau
State Bar No. 01010646
Attorney for Petitioner
420 5th Avenue South, Ste. B
P. O. Box 924
La Crosse, WI 54602-0924
Telephone: (608)784-2050

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