

PERSONAL SERVICE

Summons & Petitions for Divorce must be served within 90 days of filing;
Orders to Show Cause/Motions must be served at least 5 business days prior to the hearing

There are **four** basic ways to have another party personally served:

1. Admission of Service by the other party (method accepted by the Child Support Agency)

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-4119)
- **Check** the appropriate boxes under “I have voluntarily received...” portion of the document
- **Have him/her sign**, print their name, and date the form where indicated
- **File the Admission of Service** form, as soon as possible, with the Clerk of Court and 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 may have the party served using one of the other methods for service.

2. Sheriff’s Department or Private Process Server

The **Sheriff’s Department**, of the County in which the individual to be served resides, may serve the other party. Proof of service (or non-service) will generally be mailed to you, and you must file that with the Clerk of Court as soon as possible. Keep a copy for your records.

- **Contact** the Sheriff’s Department directly for their procedure and costs. If utilizing the Eau Claire County Sheriff, they will require you to provide them with an additional copy.

You may make arrangements with a **Private Process Server** to have the other party personally served. Once you receive proof of service (or non-service), you must file that with the Clerk of Court. Keep a copy for your records.

- **To find** a private process server, you can do an online search for “Process Service in Eau Claire”

3. Service by 3rd disinterested party

A 3rd disinterested party (friend or family member) who is 18 or older, is a resident of WI, IL, IA, MI or MN, and is not a party to the action can serve the other party

- **You:** complete the caption of the **Affidavit of Service** form (FA-4120)
- **3rd Party:** Gives a copy of the paperwork to the other party and marks as indicated on FA-4120
- **3rd Party:** Completes the bottom portion of the **Affidavit of Service**
- **3rd Party:** Signs it in the presence of a notary public
- **You:** Return the **Affidavit of Service** to the Clerk of Court and keep a copy for your records.

Last Resort

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

4. Service by Publication (see FA-5001)

Publication can only be used if you have failed service by any other methods and answer yes to **all** of these questions.

- You have tried personal service through the Sheriff Dept or private process server
- You have given them as much information as possible to find that person
- The Sheriff Dept or private process server cannot find that person after diligent search
- You have been provided and filed an **Affidavit of Attempted Service** by the **Sheriff’s Dept.** or **Private Process Server** stating that the other party could not be found

Court staff may not provide legal advice or recommend a specific course of action for an individual. (Supreme Court Rule 70.41)

All numbered forms referenced can be found at www.wicourts.gov under forms → circuit court → family → view all family forms

See the Clerk of Courts website for further information at: <http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>