

CHAPTER 194

AN ACT to amend 247.061 (intro. par.) and 247.062 (2) of the statutes, relating to service of papers in divorce or legal separation actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 247.061 (intro. par.) of the statutes is amended to read:

247.061 (intro. par.) When the defendant can with reasonable diligence be served personally within the state pursuant to s. 247.06 (1) (a) or at his usual place of abode therein pursuant to s. 247.06 (1) (b), actions under ss. 247.05 and 247.055 shall be commenced by such service; within * * * 20 days thereafter a copy of the summons shall be served upon the family court commissioner, *but this requirement of service upon such commissioner within the time specified shall not affect the jurisdiction of the action*; and after such copy has been served, the summons must be filed with the clerk of court before any proceeding or hearing prior to trial is held by either the court or the family court commissioner, or in the absence thereof as soon as the action is noticed or scheduled for trial. Service and filing of the complaint shall be as follows:

SECTION 2. 247.062 (2) of the statutes is amended to read:

247.062 (2) If with reasonable diligence the defendant cannot be served under sub. (1), service may be made by mailing a copy of the summons and verified complaint and publication of the summons. Prior to mailing and publication the summons, verified complaint * * * and plaintiff's affidavit describing efforts to make personal service upon the defendant within or without the state shall be filed in court. If the defendant's post-office address is known or can with reasonable diligence be ascertained, copies of the summons and the verified complaint shall be mailed to the defendant, at or immediately prior to the first publication. Publication shall consist of publishing the summons *as prescribed by s. 262.11 (1)*, without the complaint, in a newspaper, published in this state, likely to give notice to the defendant, once a week for 3 successive weeks. The mailing to the defendant may be omitted if his post-office address cannot be ascertained with reasonable diligence. Within * * * 20 days following the first publication, copies of the summons and verified complaint shall be served upon the family court commissioner.

Approved July 18, 1963.
