

GENERAL INSTRUCTIONS FOR COURT HEARINGS

These forms are provided to individuals who want to represent themselves when requesting the Court to change or enforce an existing order for child support, legal custody or physical placement. While these forms are available for that purpose, they are not the only forms that may be used. You may also obtain court forms online at <http://wicourts.gov/forms1/circuit.htm>.

The steps outlined in this instruction sheet are not exclusive but are suggested as the easiest way for someone to avoid common problems. Filing a motion gives you the opportunity to present your case to the Court. Filing a motion does not guarantee that you will succeed in your request(s).

IT IS YOUR RESPONSIBILITY TO COMPLETE AND DISTRIBUTE FORMS. THE COURT DOES NOT DO THIS FOR YOU.

1. COMPLETE THE MOTION FORMS

You must first decide which form fits your request. Then you must complete the corresponding Affidavit or Petition (the second/third page of the form) to show what you are requesting and the basis for your request. On the first page you **must list the case number and the names of Petitioner and Respondent EXACTLY as shown on your Judgment** in the original court case; this information is available from your own records or from the Clerk of Court's Office. **USE CURRENT ADDRESSES.** Type or print neatly. The Commissioner must be able to read your writing.

You must sign the Petition or Affidavit in front of A NOTARY PUBLIC (available in the Clerk of Court's Office or the Family Court Commissioner's Office as long as you have picture ID with you).

2. BRING THE COMPLETED FORM TO THE FAMILY COURT COMMISSIONER'S OFFICE (ROOM100) TO OBTAIN A HEARING DATE

If, because of poverty, you are unable to pay the filing and service fees associated with your request, you may complete and submit the Petition for Waiver of Filing and Service Fees at this time.

3. MAKE 3 COPIES OF THE COMPLETED MOTION PAPERS (4 copies if child support motion)

If you received a Waiver of Fees, the Clerk of Court's Office will make the copies for you. The Clerk of Court's Office charges \$1.25 per page to make copies without the Waiver of Fees.

4. FILE THE MOTION PAPERS WITH THE CLERK OF COURT

Please bring the original and appropriate number of copies to the Clerk of Court's Office for filing. The original will be retained by the Clerk of Court and the copies will be stamped and returned to you.

5. **SERVE COPIES ON ALL INTERESTED PARTIES**

You must arrange for the other party to be given a stamped copy of the Order to Show Cause and supporting Affidavit (called "serving the motion papers"). There are a number of ways to accomplish this. Two options are the Sheriff's Department or a private process server.

Sheriff's Department: If the other party lives in Brown County, take 2 copies of the motion papers to the Sheriff's Department Civil Process Division and ask to have the papers served on the other party. The Sheriff's Department will charge a fee plus mileage for this service. (The Sheriff's Department will not charge for this service if you have a Waiver of Fees.)

If the other party lives outside of Brown County, call the Sheriff's Department in that county for instructions on serving papers.

Private Process Server: They are located in the phone book yellow pages under "Process Servers." Contact one and make arrangements for service.

The Court needs proof that the other side knows about the hearing. It cannot take your word for it.

You must make arrangements with the Sheriff's Department or the private process server to get a CERTIFICATE or AFFIDAVIT OF SERVICE. Bring it with you to the hearing.

If your motion involves child support, you must leave a copy with the Clerk of Court's Office for service on the Child Support Agency.

6. **ATTEND THE HEARING**

You must have the Certificate or Affidavit of Service with you or the hearing will not proceed.

BE ON TIME AND BE PREPARED TO PROVE YOUR CASE. You will have to provide the Commissioner with all the information (s)he needs to make a decision. Even though you do not have a lawyer, you must follow the same rules a lawyer would have to follow. If you want the Commissioner to hear what another person said, you should be prepared to have that person in court to testify. You should have the original and 2 copies of any document you want the Commissioner to consider in support of your case.

If your request is for a contempt finding, be prepared to prove that the other party has not followed the Judgment/Order **and** that the failure to follow the Judgment/Order was willful and intentional.

PLEASE DO NOT BRING YOUR CHILDREN TO COURT!