

Contempt

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.**

This packet is used to seek assistance from the court if the other party has violated or not followed a court order or judgment. If the violation is related to physical placement, you may choose to instead use the **Notice of Hearing and Petition to Enforce Physical Placement (FA-609)** form.

Procedural Checklist

Getting a Court Date

- 1. Complete **Order to Show Cause and Affidavit for Finding of Contempt (FA-4172VA/B)** form.
- 2. Make at least 3 copies.
- 3. Go to the Clerk of Courts Office. The clerk will:
 - Assign you a court date or direct you to the office that will assign the court date.
 - Return the appropriate number of authenticated copies to you.

Caution! You may have to wait for court staff to obtain a court official's signature.

Notifying the Other Party (Personal Service)

- 4. Give the other party(s) notice of the hearing by having them personally served with the court papers. See the **Service Packet (FA-5000V)** for options and procedural instructions.

Deadline: The other party(s) must be notified properly and provided with the forms **at least five (5) business days before the date of the hearing.**

- 5. Make a copy of the proof of service **Affidavit of Service (FA-4120V)** form, or **Admission of Service (FA-4119V)** form, for your records and bring it to court on the date of the hearing.

Warning: Without proof of service, the court cannot proceed with the hearing.

Preparing for and Going to Court

- 6. Take the following items with you to court:
 - Copy of the **proof of service.**
 - Any other documents you think may help you make your case to the court.
 - If you wish to have other people testify for you, make sure they come to court. **A letter, affidavit, email or text from them is not acceptable.**

7. Go to the correct courtroom at least 20 minutes before your assigned court time and:
- If there is a bailiff or court clerk let them know that you have arrived (you may sit and watch court).
 - When your case is called, go to the front of the room and sit where directed.
8. Present your case to the Judge/Court Commissioner:
- Be prepared to state your side of each issue clearly and completely.
 - Be prepared to answer questions that may be asked of you by the court or others.
 - If you wish to offer written evidence or documents to the court, give the original to the court and a copy to the other side.
 - While you are in court, use the forms you prepared as an outline to remind you of each issue you want to talk about.
9. The Judge/Court Commissioner will make his/her decisions/rulings. Take notes because you may be required to write the ruling on a specific form called the **Decision and Order for Contempt (FA-4176V)** form. **Ask the court who will be completing the Decision and Order for Contempt.** The court **may** also set another hearing for the parties to return to court.

If the other party is found to be in contempt of court, that party may be required to do or not do certain things and may be given a deadline to correct the problem. The court official may give you instructions as to how to proceed from the date of the hearing. If the court does not give instructions, and you believe that the other party has not complied with the terms of the new order, you may request action from the court. Any request or supporting materials must be sent to the other party.

If the court requires YOU to complete the Decision and Order for Contempt (FA-4176V) form, follow 10 – 14 below.

10. After your court hearing, complete **Decision and Order for Contempt (FA-4176V)** form.
11. Make four (4) copies (6 copies if the State is a party) of the completed **Decision and Order for Contempt (FA-4176V)** form.
12. Send one copy to the other party and the State of Wisconsin (local Child Support Agency), if it is a party.
13. File in the Clerk of Courts Office, in person or by mail, the original, the remaining copies of the **Order**, and two self-addressed stamped envelopes (one addressed to you, one addressed to the other party, and one unstamped envelope addressed to the Child Support Agency, if a party).
14. The court will hold the **Decision and Order for Contempt (FA-4176V)** form for five (5) business days to give the other party(s) time to review the order and object to its accuracy. If there are no objections within five (5) business days and the court agrees with how you have written the **Order**, the court will approve and send each party a signed copy.