

# INSTRUCTIONS FOR FILING FOR CONTEMPT

*(Read all instructions carefully and fully before beginning. Failure to complete forms accurately will cause your motion to be dismissed, and you will have to start over.)*

## Who may use these forms:

These forms can be used if you have a Family or Paternity case and you require the Court's intervention to enforce your Judgment because you believe the other party has intentionally failed to comply with a requirement of the Judgment.

## Papers to be completed:

In order to bring a motion for contempt, you must complete 2 separate forms:

1. Order to Show Cause for Finding of Contempt (FA-4172VB)
2. Affidavit for Finding of Contempt (FA-4172VA)
3. Order to Appear (FA-4142V)

Follow the directions in the boxes on the left hand side of the forms to help you complete them.

## What to do with the completed papers:

After completed on the forms, you must:

1. Submit the original to the Clerk of Court office. The Clerk of Court will forward them to the Judge assigned to the case.
2. If the forms are approved, the Judge will assign a date and time to hear your motion.
3. The original papers will be sent down to the Clerk of Court office for filing. The family clerk will contact you by phone to let you know when your paperwork is ready to be picked up, and you can begin the service process. **PLEASE BE SURE YOUR TELEPHONE NUMBER IS INCLUDED ON YOUR PAPERWORK.**

## Serving your papers:

Be aware that both parties must appear in court. If the other party does not voluntarily appear, the Court cannot proceed unless you have had that person served with your motion. There are laws governing the conduct of process servers, limiting the hours and places they can serve, and the specific procedures for out of state service in addition to the requirements listed below. **IT IS STRONGLY RECOMMENDED** that you have the Sheriff's Department or a private process server serve your papers. Without service, or if service is not done properly, your action will be dismissed and you will have to start all over again.

1. To get service, a file-stamped copy of the papers must be placed in the hands of the other party at least 7 days prior to the scheduled hearing. **BY LAW, YOU CANNOT SERVE THE OTHER PARTY.**
2. **Please be advised that in addition to serving a copy of the motion on the other party, be sure you are also providing a copy to the Guardian Ad Litem and any attorneys of record.**
3. Who should serve the papers?
  - a. Manitowoc County Sheriff's Department, located at 1025 South 9<sup>th</sup> Street. Give them 2 copies of your forms and pay their service fee. Manitowoc County requires a deposit before they will attempt service. There may be additional fees for more than one attempt at service.
  - b. Private process server. Any private law firm can give you the name of a private process server and how they can be contacted. Be advised that if your documents are not properly served, your action will be dismissed

**ALL PROOFS OF SERVICE MUST BE NOTARIZED AND FILED WITH  
THE CLERK OF COURT OFFICE PRIOR TO THE HEARING.**

### Important Reminders:

1. As a pro se litigant, you assume the responsibility for bringing your action. You are expected to complete all of the necessary steps yourself. Court clerks and staff in the Family Court Commissioner's office cannot fill out your papers or advise you on how to proceed with your action.
2. Be prompt for your hearing. If you are not on time, your action will be dismissed. If you have not obtained service on the other party before the hearing date, contact the Judge's judicial assistant either for a new court date or to request that the matter be removed from the calendar.
3. Prepare as if you are your own attorney. This means bringing with you any information that will make your case more believable. Have with you all documents and witnesses to prove your case. You will need to provide copies to every party of any documents that you present to the Court.
4. CAUTION: If you brought this matter to the Court to harass, to "get even," or for any other reason beyond your claims and the Court finds your claims insincere or false, you can be penalized by a requirement to pay the other person's attorney fees and costs of defending the action.
5. The Judge's office, the Clerk of Court's office and the Family Court Commissioner's office can NOT give you legal advice. If you are uncertain of your legal rights, contact an attorney.

Petitioner/Joint Petitioner A: \_\_\_\_\_  
Respondent/Joint Petitioner B: \_\_\_\_\_

Enter the name of the county in which the original case was filed.

**STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY**

Check marriage or paternity. If paternity, enter initials of child.

IN RE: THE  MARRIAGE  PATERNITY OF \_\_\_\_\_

Enter the name, address, and daytime phone number of the petitioner or joint petitioner from the original case file.

**Petitioner/Joint Petitioner A**

\_\_\_\_\_  
Name (First, Middle and Last)

\_\_\_\_\_  
Current Mailing Address

\_\_\_\_\_  
City State Zip Daytime phone number

-vs-

**Respondent/Joint Petitioner B**

Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.

\_\_\_\_\_  
Name (First, Middle and Last)

\_\_\_\_\_  
Current Mailing Address

\_\_\_\_\_  
City State Zip Daytime phone number

Check if the State of WI is a party or not. If you are unsure, you may call your local Child Support Agency.

The State of Wisconsin (Child Support Agency)

is

is not

a party to this action.

Enter the name of the party you want to appear in court.

The Affidavit was filed on [Date] \_\_\_\_\_,

**IT IS ORDERED THAT \_\_\_\_\_ appear in person:**

Before: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_  a.m.  p.m.,

or as soon as the matter may be heard.

**For Court Use Only:** This section will be completed by the court.

**Order to Show Cause for Finding of Contempt**

Case No. \_\_\_\_\_

Petitioner/Joint Petitioner A: \_\_\_\_\_  
Respondent/Joint Petitioner B: \_\_\_\_\_

To show cause why YOU should not be found in contempt of court as requested in the affidavit. You must appear and provide the court information about your compliance with the court order, including your ability to pay or otherwise comply with the order. *If you do not appear as indicated, the court may hold the hearing without you and grant the request, including issuing an order to have you arrested and committed to the county jail.* You also have a right to be represented by an attorney at this hearing. Unless good cause is shown, failure to appear without an attorney will be deemed a waiver of that right.

**IT IS FURTHER ORDERED:**

- A copy of the order to show cause and affidavit must be personally served upon all other parties **at least 5 business days** before the date of the hearing. See Service Packet (FA-5000) for more information.
- Both parties **bring a fully completed, dated, and signed Income and Expense Statement to court.**

If you require reasonable accommodations due to a disability to participate in the court process, please call: \_\_\_\_\_ prior to the scheduled court date. Please note that the court does not provide transportation.

Petitioner/Joint Petitioner A: \_\_\_\_\_  
Respondent/Joint Petitioner B: \_\_\_\_\_

Enter the name of the county in which the original case was filed.

**STATE OF WISCONSIN, CIRCUIT COURT,  
MANITOWOC \_\_\_\_\_ COUNTY**

Check marriage or paternity. If paternity, enter initials of child.

IN RE: THE  MARRIAGE  PATERNITY OF \_\_\_\_\_

Enter the name, address, and daytime phone number of the petitioner or joint petitioner from the original case file.

**Petitioner/Joint Petitioner A**

Name (First, Middle and Last) \_\_\_\_\_

On the far right, enter the original case number.

Current Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Daytime phone number \_\_\_\_\_

-vs-

**Respondent/Joint Petitioner B**

Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.

Name (First, Middle and Last) \_\_\_\_\_

Current Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Daytime phone number \_\_\_\_\_

Check if the State of Wisconsin is a party or not. If you are unsure, you may call your local Child Support Agency.

The State of Wisconsin (Child Support Agency)

- is**  
 **is not** a party to this action.

**Affidavit for  
Finding of Contempt**

Case No. \_\_\_\_\_

Check all those categories for which you believe the other party is in contempt. If other, mark the box and write for what you believe the other party is in contempt.

1. The other party was court ordered to do the following and has failed to do so:

- Pay child support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_.
- Pay maintenance (spousal support) in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_.
- Pay family support in the amount of \$ \_\_\_\_\_ per \_\_\_\_\_.
- Pay uninsured medical bills/variable costs the total amount of \$ \_\_\_\_\_.
- Copies of the unpaid bills are attached to this Affidavit.**
- Return property that was awarded to me.
- Sign/complete final documentation (Quit Claim Deed, QDRO, WI Real Estate Transfer Return, vehicle titles, etc.).
- Pay debts that he/she was ordered to pay.
- Pay the amount of \$ \_\_\_\_\_ to equalize the property settlement.
- Allow me to claim the children as tax exemptions as ordered.
- Provide medical insurance cards and/or other medical records.
- Pay transportation expenses related to placement in the total amount of \$ \_\_\_\_\_.
- Follow legal custody/physical placement order.
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

2. The court order that I am asking to be enforced was dated: \_\_\_\_\_.

3. The facts supporting my reasons for believing that the other party is in contempt are as follows:

\_\_\_\_\_  
\_\_\_\_\_

**See attached**

Enter the date the current court order or judgment was signed by a court official.

Enter the facts that support your claim. If you need additional space, mark the box and attach the sheets.

If you require reasonable accommodations due to a disability to participate in the court process, please call \_\_\_\_\_ prior to the scheduled court date. Please note that the court does not provide transportation.

Petitioner/Joint Petitioner A: \_\_\_\_\_  
Respondent/Joint Petitioner B: \_\_\_\_\_

**STOP!**  
**Take this document to a Notary Public BEFORE you sign it.**

<p>After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.</p>	<p>State of _____ County of _____ Subscribed and sworn to before me on _____</p>	<p>_____ Signature _____ Print or Type Name _____ Address _____ Email Address Telephone Number _____ Date State Bar No. (if any)</p>
<p>Have the Notary Public sign and date.</p>	<p>_____ Notary Public/Court Official _____ Name Printed or Typed My commission/term expires: _____</p>	
<p><input type="checkbox"/> This notarial act involved the use of communication technology.</p>		

A copy of this Affidavit and Order to Show Cause must be served upon all other parties **at least 5 business days** before the date of the hearing. See Service Packet (FA-5000) for more information.

