

New (DeNovo) Hearing

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.**

Motion for and Notice of New (DeNovo) Hearing (FA-4130V) is the form to file when you want a Judge to review a decision that was made by a Circuit Court Commissioner because you disagree with what the Circuit Court Commissioner decided. Either party may request a New (DeNovo) Hearing, but the request must be made within time limits set by the court in your county. There is **no fee to file** a Motion for and Notice of New (DeNovo) Hearing.

Motion for DeNovo Hearing on a Temporary Restraining Order or Injunction (CV-503) is the form for review of a harassment or domestic abuse temporary restraining order or injunction decision by a Circuit Court Commissioner.

Procedural Checklist

- 1. Complete the **Motion for and Notice of New (DeNovo) Hearing (FA-4130V)** form.
- 2. If you have a copy of the **signed** Order, attach it to the form.
- 3. Make three (3) additional copies of the completed original **Motion for and Notice of New (DeNovo) Hearing** form, four (4) if the State of Wisconsin (Child Support Agency) is a party.
- 4. The court will set a court date, keep the original for the court file, and return the remaining copies to you.
- 5. **Notifying the Other Party:**
 - **Contempt Hearing:** The other party(s) must be personally served. For information on the ways to have the other party served, see the **Service Packet (FA-5000V)**.
 - **All other Hearings:** You may mail a copy of the completed form to the other party and if necessary the State of Wisconsin (Child Support Agency).
- 6. After you have properly served the other party, you **MUST**, on or before the date of your hearing, **complete** and **file** Proof of Service (**Admission of Service (FA-4119V)**, **Affidavit of Service (FA-4120V)**, or **Affidavit of Mailing (FA-4121V)** forms). If you do not provide Proof of Service and the other party does not appear, the court may reschedule the hearing or dismiss the request.

- 7. Take the following with you to the New (DeNovo) Hearing:
 - A copy of the proof of service.
 - The original and two copies of your completed, dated, and signed **Financial Disclosure Statement (FA-4139V)** form, if required.
 - Any other documents you think may help you make your case to the court. If you wish to offer written evidence or documents to the court, be sure you have the original for the court, a copy for yourself, and a copy for the other party(s). If you wish to have other people testify for you, make sure they come to court. An affidavit, letter, email, or text from them is not acceptable.
 - **This is a new hearing**. You should not rely on documents or testimony presented before the Circuit Court Commissioner at the last hearing.

- 8. Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know on which case you are appearing.

- 9. When your case is called, go to the front of the room and sit where directed by the court clerk or bailiff. Take all your papers and documents with you.

- 10. Present your case to the Judge as directed. 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 Judge or by the other party. Use the copy of the decision that is to be reviewed as an outline to follow while you are in court to be sure you remember each issue you want to raise.

- 11. The Judge will state their decisions/rulings to you. Take notes because you may be required to write the ruling in a specific format on a form called **Decision and Order (FA-4175V or FA-4176V)** form. The Judge may also set a review hearing for you to return to court.

Petitioner/Joint Petitioner A: _____

Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY
Check marriage or paternity. If paternity, enter initials of child.	IN RE: THE <input type="checkbox"/> MARRIAGE <input type="checkbox"/> PATERNITY OF _____ Petitioner/Joint Petitioner A
Enter the name and <u>current mailing address</u> of Petitioner/Joint Petitioner A.	Name (First, Middle and Last) _____ Street City State Zip _____
Enter the name and <u>current mailing address</u> of Respondent/ Joint Petitioner B.	and Respondent/Joint Petitioner B Name (First, Middle and Last) _____ Street City State Zip _____
Enter the case number.	

Motion for and Notice of New (De Novo) Hearing

Case No. _____

Enter the name of the other party/parent.	To: Name _____
To review the decision of a harassment or domestic abuse injunction, use Motion for DeNovo Hearing, CV-503. Enter the date [month, day, year] that the order was signed, the name of the circuit court commissioner who granted the order, and mark the boxes that describe the issue(s) you want heard again.	I request a new hearing on the following issue(s) decided on _____ by the Circuit Court Commissioner: <input type="checkbox"/> Child Support <input type="checkbox"/> Maintenance/Family Support <input type="checkbox"/> Legal Custody/Physical Placement <input type="checkbox"/> Property and Debt Division <input type="checkbox"/> Other: _____
Check 1 or 2. If 1, attach a copy of the signed order.	<input type="checkbox"/> 1. I have attached a copy of the signed Order from the above hearing date. <input type="checkbox"/> 2. I have not yet received a copy of the signed Order from the above hearing.

The De Novo Hearing is scheduled:

NOTICE OF HEARING		
Date	Time	Location (Include Room No.) Manitowoc County Courthouse 1010 S. 8 th Street, Room _____ Manitowoc, WI 54220
Circuit Court Official		

The court may review any decision made by the Circuit Court Commissioner in the order being reviewed.

If you require reasonable accommodations to participate in the court process due to a disability, please call (920) 683-4030 prior to the scheduled court date. Please note that the court does not provide transportation.

Sign and print your name. Enter the date in which you signed your name. Note: This signature does not need to be notarized.	▶ _____ Signature
	_____ Print or Type Name
	_____ Address
	Email Address _____ Telephone Number _____
	Date _____ State Bar No. (if any) _____

Note: A copy of this request must be served by mail on all other parties who appeared at the original hearing.

Service

“Service” or “service of process” are the legal terms used to describe the act of giving notice of a lawsuit or court hearing to another person. There are several different methods and very specific time limits by which you must have the other party served. The type of service you are required to use depends on the type of forms you are filing. If you do not have the other party served properly (within the correct time limits and using the correct method), the court cannot hear or decide your case.

Notice: This packet describes only the most common methods of service available for use. Please seek legal assistance if you would like to explore additional/alternative methods or the forms you are filing are not listed.

Court Self-Help Form	Required Type of Service	Service Time Limits
Summons and Petition for Divorce/ Legal Separation (FA-4104V/FA-4105V)	Personal	Within 90 Calendar days from the date the divorce/legal separation was filed
Order To Show Cause and Affidavit for Temporary Order (FA-4128V/FA-4129V)	Personal	Not less than 5 Business days before the date of the Temporary hearing
Response & Counterclaim (FA-4113V)	Mail	Within 20 Calendar days after the date of service
Order To Appear (FA-4142V)	Personal	Not less than 24 hours if the other party lives within the county the action is filed Not less than 72 hours if the other party does NOT live in the county the action is filed, but in the State of Wisconsin
Motion for and Notice of New (DeNovo) Hearing (FA-4130V)	Personal (Contempt matters)	Not less than 5 Business days before the date of the hearing
	Mail (All other matters)	Not less than 8 Business days before the date of the hearing
Notice of Motion and Motion (Post Judgment) (FA-4170V)	Mail	Not less than 8 Business days before the date of the hearing
Order To Show Cause (Post Judgment) (FA-4171V/FA-4172V)	Personal	Not less than 5 Business days before the date of the hearing
Notice of Motion and Motion to Relocate with Minor Children (FA-4178V)	Mail	Not less than 8 Business days before the date of the hearing
Objection to Relocate with Minor children and Motion to change Placement and/or Custody (FA-4179V)	Mail	Not less than 5 Business days before the date of the hearing
Subpoena (GF-120)	Personal	Not less than 10 Business days before the date of the hearing
Petition to Enforce Physical Placement (FA-609)	Personal	Not less than 5 Business days before the date of the hearing

NOTE: If you are unable to serve the other party within the required time limits, you may write a letter to the court requesting a different court date.

WARNING: Copies, NOT original documents, should only be given to the other party. The originals (if in your possession) and proof of service need to be returned to court after the other party has been served.

Personal Service

There are **five** basic ways to have the other party personally served:

1A. Admission of Service by the State of Wisconsin / Child Support Agency

If the State of Wisconsin is a party to the action, you must serve your local Child Support Agency using the following steps below.

- Take a copy of the forms to be served and an **Admission of Service** form (FA-4119V) to the Child Support Agency.
- Give the papers to a representative from the Child Support Agency and ask him/her to “admit service”. He/she will complete the bottom portion of the **Admission of Service** form.
- Return the **Admission of Service** form to the Clerk of Courts Office as proof of service (keep a copy for your records).

1B. Admission of Service for the other party

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-4119V).
- Have him/her complete and sign the bottom.
- Return the **Admission of Service** form and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to 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 must have the other party served using one of the other methods described below.

2. Sheriff's Department

The **Sheriff's Department**, of the County in which the individual to be served resides, may serve the other party. Proof of service and a set of the documents which were served must be returned to court as soon as possible. Remember to keep a copy for your records.

3. Private Process Server

You may make arrangements with a **private process server** to have the other party personally served. Contact individual companies for fees and procedural information. To find a private process server in your or the other party's area, you may look under “Process Service” using a phone or internet directory or by going to <http://www.iprocessservers.com>. Proof of service and a set of the documents which were served must be returned to court as soon as possible. Remember to keep a copy for your records.

4. Service by Friend or Relative

A friend or relative who is over 18, is a resident of Wisconsin, and is not a party to the action can also serve the other party.

- You:** complete the caption of the **Affidavit of Service** form (FA-4120V).
- Friend or Relative:** Gives a copy of the paperwork to the other party.
- Friend or Relative:** Completes the bottom portion of the **Affidavit of Service**.
- Friend or Relative:** Signs it in the presence of a notary public.
- You:** Return the **Affidavit of Service** form and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to keep a copy for your records.

LAST RESORT

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

5. Service by Publication

Service by Publication is a **last resort** and can only be used if you failed to have the other party served by one of the methods above. You have a responsibility to make every effort to make personal service if possible, which includes gathering reasonably available information from family and friends to try and determine the other party's location.

The option of **Service by Publication** is only available to you if you can answer yes to all of the following:

- You have tried personal service through the Sheriff's Department or a private process server.
- You have given them as much information as possible to help them find the other person.
- The Sheriff's Department or private process server cannot find the other person after a diligent search.
- You have been given an **Affidavit of Due Diligence/Not Found/ Attempted Service** by the Sheriff's Department or private process server stating that the other party could not be found. Keep this affidavit.

The Service by Publication Packet is available to assist individuals who are filing an action for divorce/legal separation.

Service by Mail

Serving documents on the other party by mail is allowed for certain types of forms. If service by mail is allowed, you must:

- Mail copies of the documents to the other party.
- Sign a sworn affidavit called the **Affidavit of Mailing** (FA-4121V) in the presence of a Notary Public.
- Return the **Affidavit of Mailing** and a set of the documents that were mailed to the Court as soon as possible. Remember to keep a copy for your records.

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY
Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.	IN RE: THE <input type="checkbox"/> MARRIAGE <input type="checkbox"/> PATERNITY OF _____ Petitioner/Joint Petitioner A
Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.	Name (First, Middle and Last) _____ and Respondent/Joint Petitioner B
Enter the case number.	Name (First, Middle and Last) _____

Affidavit of Service

Case No. _____

Note: A party to this action **cannot** serve the documents on the other party.

After the documents have been served, the person serving the documents must complete the information. Enter the date [month, day, year], time and the address at which the documents were served. Check the boxes indicating the specific documents that were served. If one of the documents is an Order to Show Cause, enter the date [month, day, year] the Order To Show Cause was signed by a court official. If other, enter the name of the document.

Enter the name of the party to whom the papers were served.

Take Notice: You must complete this task.

UNDER OATH I STATE:

I am an adult resident of Wisconsin, Illinois, Iowa, Michigan, or Minnesota.

I am not a party to this action.

On [Date] _____, 20____ at [Time] _____ a.m. p.m.

At [Address] _____

I served a copy of the following documents:

- Authenticated **Summons and Petition**
- Order to Show Cause and Affidavit for Temporary Order** [Date] _____, 20____.
- A blank **Financial Disclosure Statement**
- Requirement to attend parent education
- Order to Appear**
- Other: _____
- Other: _____
- Other: _____

personally by delivering to and leaving these documents with the person served whom I know to be _____.

At the time of service, I signed my name, time, date, place and manner of service and upon whom service was made **on the copy that was served.**

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

After you, the server, have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

Have the Notary Public sign and date.

State of <u>Wisconsin</u>	▶ _____
County of <u>Manitowoc</u>	Signature _____
Subscribed and sworn to before me on _____	Name Printed or Typed _____
_____ Notary Public/Court Official	Address _____
_____ Name Printed or Typed	Phone Number _____
My commission/term expires: _____	Date _____
<input type="checkbox"/> This notarial act involved the use of communication technology.	

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY	Admission of Service Case No. _____
Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.	IN RE: THE MARRIAGE OF Petitioner/Joint Petitioner A _____ Name (First, Middle and Last)	
Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.	and Respondent/Joint Petitioner B _____ Name (First, Middle and Last)	
Enter the case number.		

Check the box for each document that is being served.
If one of the documents is an Order to Show Cause, enter the date [month, day, year] the Order To Show Cause was signed by a court official.

- On [Date] _____ I received a copy of the following documents:
- Authenticated **Summons and Petition**
 - Order to Show Cause and Affidavit for Temporary Order** [Dated] _____
 - A blank **Financial Disclosure Statement**
 - Proposed Marital Settlement Agreement/Order** [Dated] _____
 - Order to Appear** [Dated] _____
 - Motion/Order to Show Cause for Contempt** [Dated] _____
 - Motion/Order to Show Cause to Change:** _____
[Dated] _____
 - Requirement to attend parent education
 - Other: _____
 - Other: _____
 - Other: _____

If other, enter the name of the document.

The party who is voluntarily accepting the documents must sign and print their name.
They must enter the date on which the Admission was signed.
Note: This signature does not need to be notarized.

▶ _____
Signature

Name Printed or Typed

Address

Email Address _____ Telephone Number _____

Date _____ State Bar No. (if any) _____

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.
 Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.
 Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.
 Enter the case number.

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

IN RE: THE MARRIAGE PATERNITY OF _____

Petitioner/Joint Petitioner A

 Name (First, Middle and Last)

and

Respondent/Joint Petitioner B

 Name (First, Middle and Last)

Affidavit of Mailing
 Case No. _____

AFTER you have mailed the documents, you must complete the information to the right by **checking the boxes indicating the specific documents that you mailed.**
 To review decision for a harassment or domestic abuse injunction, use Motion for DeNovo Hearing (CV-503) form.
 If a motion, enter the type of motion.
 Enter the date [month, day, year] on which you placed the documents in a mailbox, and the name and address of the person to whom you mailed them.

UNDER OATH I STATE:

I placed in an envelope a copy of the following documents:

- A blank Income and Expense Statement (FA-4138V) form
- A blank Financial Disclosure Statement (FA-4139V) form
- Requirement to attend parent education
- Motion for and Notice of New (De Novo) Hearing (FA-4130V) form
- Response and Counterclaim (FA-4113V) form
- Notice of Motion to Change: (FA-4170V/FA-4171V - Post Judgment) form
- Motion for: _____
- Other: _____

I mailed that envelope with proper postage affixed on [Date] _____, 20____ to:

Name _____
 Address _____
 Address _____
 City _____ State _____ Zip _____

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

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public. Have the Notary Public sign and date.

State of Wisconsin
 County of Manitowoc
 Subscribed and sworn to before me on _____

 Notary Public/Court Official

 Name Printed or Typed

My commission/term expires: _____

This notarial act involved the use of communication technology.

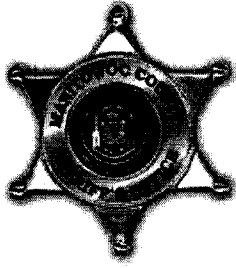
 Signature

 Print or Type Name

 Address

 Email Address Telephone Number

 Date State Bar No. (if any)



MANITOWOC COUNTY
SHERIFF

Sheriff - Daniel L. Hartwig
Chief Deputy - Brian L. Nack

In Partnership with the Community. Dedicated to Your Safety.

INFORMATION SHEET FOR CIVIL PROCESS/PAPER SERVICE

To the Petitioner/Submitter,

You are required to provide, to the best of your ability, the following information. It is understood that all information may not be available to you; however, all information provided will assist in the service of your papers.

Court Date: _____ Court Time: _____ Serve by date: _____

INFORMATION ON THE PERSON TO BE SERVED:

Paper Service For:

Name _____ Date of Birth _____ or Age _____

Present Address: _____ Home Phone # (____) _____

Temporary Address: _____ Cell Phone # (____) _____

Vehicle: _____ Color: _____ License Plate # _____

Place of Employment: _____

Address: _____

Shift Hours: _____ Work phone # (____) _____

Suggested Time to Serve Papers: _____

Comments: _____

******COMPLETE FOR DOMESTIC ABUSE SERVICE ONLY******

Does the Respondent possess any firearms? Yes/No How many? _____

Where are the firearms stored? _____

Must the Respondent be removed from the residence? Yes / No 72 Hour no-contact in effect? Yes / No

Person Requesting Service/Billing Information (MUST BE COMPLETED!)

I understand that I will be billed for the service, unless I have provided an Indigency Order.

Your Name _____ Date of Birth _____
(Last Name) (First Name) (M.I.)

Mailing Address: _____

Telephone Number (____) _____ Cell Phone Number: (____) _____

Email Address: _____

There is no fee for serving Temporary Restraining Orders or Injunctions.

1025 South 9th Street • Manitowoc, Wisconsin 54220 • Phone: (920) 683-4200

Jail Fax: (920) 683-4405 • Patrol Fax: (920) 683-4946 • Records Fax: (920) 683-4342