# 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.

To request a de novo hearing, <u>you must have first-attended the hearing</u> and the decision by the court commissioner cannot have been the result of a stipulation you reached with the other parties.

The request must be made within 20 calendar days of the hearing, if the court commissioner gives an oral ruling at the hearing. If no oral decision was made, the request must be made within 20 calendar days of when the court commissioner's written order or decision was mailed. 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 <u>signed</u> Order, attach it to the form.
3.	Make three (3) additional copies of the completed original <b>Motion for and Notice of New (DeNovo) Hearing form</b> , four (4) if the State of Wisconsin (Child Support Agency) is a party.
4.	The court will set a hearing date within 60 days of your request, keep the original for the court file, and return the remaining copies to you.
5.	<ul> <li>Notifying the Other Party:</li> <li>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).</li> </ul>

	<ul> <li>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).</li> </ul>
☐ 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.	<ul> <li>Take the following with you to the New (DeNovo) Hearing: <ul> <li>A copy of the proof of service.</li> <li>The original and two copies of your completed, dated, and signed Financial Disclosure Statement (FA-4139V form), if required.</li> <li>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.</li> <li>This is a new hearing. You should not rely on documents or testimony presented before the Circuit Court Commissioner at the last hearing.</li> </ul> </li> </ul>
<b>8.</b>	Go to the assigned courtroom at least 20 minutes before your court time and let the bailift or court clerk know on which case you are appearing.
<u> </u>	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.
<b>□</b> 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 ar 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 <b>Decision and Order (FA-4175V or FA-4176V form)</b> . The Judge may also set a review hearing for you to return to court.

Petitioner/Joint Petitioner A: _Respondent/Joint Petitioner B	3:			
Enter the name of the county in which this case is filed.	STATE OF WISCO MANITOWOC		·	
Mark marriage or paternity. If paternity, enter initials of child.	IN RE: THE MAR		RNITY OF	
Enter the name and current mailing address of Petitioner/Joint Petitioner A.	Name (First, Middle and Las Street and	City	State Zip	Motion for and Notice of
Enter the name and current mailing address of Respondent/ Joint Petitioner B.	Respondent/Joint  Name (First, Middle and Las			New (De Novo) Hearing  Case No
Enter the case number.	Street	City	State Zip	
Enter the name of the other party/parent.	To: Name			
Note: 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, and mark the boxes that describe the issue(s) you want heard again.	by the Circuit Court Child Support Maintenance Legal Custod Property and Other:	Commissioner: rt e dy/Physical Placen	nent	
		tered by the court reen myself and ar		s not the result of a stipulation
Check only one box.	A. The the ti OR B. The beca	date of the hearing ime of the hearing. day the Court Com	if the Court Com	or Hearing within 20 calendar days of missioner gave an oral decision at an decision or order was mailed, at give an oral decision or order at the
Check only one box.	A. The B. The the 0	Court Commission mailing of the Cou	er's oral decision rt Commissioner's	n 20 calendar days of: given at the time of the hearing. written decision or order, because oral decision or order at the time of
	The De Novo Hearin	ng is scheduled:		
			OTICE OF HEAR	2014-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
For Court Use Only: The Clerk will complete this section.	Circuit Court Judge	Time	Manitowoc Co	ounty Courthouse reet, Room

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

Petitioner/Joint Petitioner A:	
If you require reasonable accommodations to partic	cipate in the court process due to a disability, please call, (920) 683-4030

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.				
	<b>▶</b> Signature			
Sign and print your name.	Print or Type Name			
Enter the date in which you signed your name.				
Note: This signature does	Address			
not need to be notarized.	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 <u>most common methods</u> 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 <b>5 Business days</b> 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)  Mail (All other matters)	Not less than 5 Business days before the date of the hearing  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 <b>5 Business days</b> 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 <b>5 Business days</b> before the date of the hearing
Subpoena (GF-120)	Personal	Not less than <b>10 Business days</b> before the date of the hearing
Petition to Enforce Physical Placement (FA-609)	Personal	Not less than <b>5 Business days</b> 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 <u>personally served</u>:

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 <b>Admission of Service</b> 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 <b>Admission of Service</b> form.				
	Return the <b>Admission of Service</b> 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 <b>ask</b> 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 <b>Admission of Service</b> form (FA-4119V).				
	☐ Have him/her complete and sign the bottom.				
	Return the <b>Admission of Service</b> 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 <a href="http://www.iprocessservers.com">http://www.iprocessservers.com</a>. 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.
	<ul> <li>You: complete the caption of the Affidavit of Service form (FA-4120V).</li> <li>☐ Friend or Relative: Gives a copy of the paperwork to the other party.</li> <li>☐ Friend or Relative: Completes the bottom portion of the Affidavit of Service.</li> </ul>
	<ul> <li>Friend or Relative: Signs it in the presence of a <u>notary public</u>.</li> <li>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.</li> </ul>
LAS1	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 <b>last resort</b> and can <b>only</b> 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 <b>Service by Publication</b> is only available to you if you can answer yes to <u>all</u> 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 <b>Affidavit of Due Diligence/Not Found/ Attempted Service</b> 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.
Servic	e by Mail
_	documents on the other party by mail is allowed for certain types of forms. If service is allowed, you must:
	☐ Mail copies of the documents to the other party.
	Sign a sworn affidavit called the <b>Affidavit of Mailing</b> (FA-4121V) in the presence of a Notary Public.
	Return the <b>Affidavit of Mailing</b> 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 CO	DUNTY			
Enter the name of the petitioner. If joint	IN RE: THE MARRIAGE PATERNITY OF				
petitioners, enter the name of Petitioner/Joint Petitioner A.	Petitioner/Joint Petitioner A				
Enter the name of the respondent. If joint petitioners, enter the name of	Name (First, Middle and Last) and				
Respondent/Joint Petitioner B.	Respondent/Joint Petitioner B	Affidavit of Service			
Enter the case number.	Name (First, Middle and Last)	Case No			
	UNDER OATH I STATE:				
Note: A party to this action	I am an adult resident of Wisconsin, Illinois, lo	wa Michigan or Minnesota			
cannot serve the documents on the other party.		wa, Michigan, or Minnesota.			
on the other party.	I am not a party to this action.				
	On [Date], 20 at [Time]	🔲 a.m. 🔲 p.m.			
After the documents have been served, the person	At [Address]				
serving the documents must complete the information. Enter the date [month, day, year], time and the address at	I served a copy of the following documents:  Authenticated Summons and Petition				
which the documents were	Order to Show Cause and Affidavit for Temporary Order [Date], 20				
served. Check the boxes indicating the	, , , , , , , , , , , , , , , , , , , ,				
specific documents that were served.					
If one of the documents is an	Requirement to attend parent education				
Order to Show Cause, enter the date [month, day, year]	☐ Order to Appear				
the Order To Show Cause	Other: Motion for and Notice of New (De Novo) Hearing				
was signed by a court official.	☐ Other:				
If other, enter the name of	Other:				
Enter the name of the party to whom the papers were	personally by delivering to and leaving these d				
Take Notice: You must complete this task.	Take Notice: You must  At the time of service, I signed my name, time, date, place and manner of service and				
	STOP! Take this document to a Notary Public BEF	ORE you sign it.			
After you, the server, have	State of Wisconsin				
been sworn by a Notary	County of Manitowoc	Signature			
Public, sign and print your Subscribed and sworn to before me on					
name and date the document in front of the Notary Public.	Notary Public/Court Official	Name Printed or Typed			
in none of the rotary rubble.		Address			
Have the Notary Public sign	Name Printed or Typed				
and date.	My commission/term expires:	Phone Number			
	☐ This notarial act involved the use of communication technology.  ☐	Date			

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	IN RE: THE MARRIAGE OF Petitioner/Joint Petitioner A	
Petitioner A.  Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint	Name (First, Middle and Last) and Respondent/Joint Petitioner B	Admission of Service
Petitioner B. Enter the case number.	Name (First, Middle and Last)	Case No.
Check the box for each document that is being served.	On [Date] I received a copy of the following  Authenticated Summons and Petition	documents:
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	☐ Order to Show Cause and Affidavit for Tempo ☐ A blank Financial Disclosure Statement	rary Order [Dated]
court official.	<ul> <li>☐ Proposed Marital Settlement Agreement/Orde</li> <li>☐ Order to Appear [Dated]</li> <li>☐ Motion/Order to Show Cause for Contempt [Dated]</li> </ul>	
	☐ Motion/Order to Show Cause to Change:	
	Requirement to attend parent education	
If other, enter the name of the document.	Other: Motion for and Notice of New (De Novo) Hea	ring
	Other:	
	Other:	
The party who is voluntarily accepting the documents must sign and print their name.	<u> </u>	Signature  Name Printed or Typed
They must enter the date on which the Admission was signed.		Address
<b>Note:</b> This signature does not need to be notarized.	Email Address  Date	Telephone Number  State Bar No. (if any)

tioner/Joint Petitioner A: pondent/Joint Petitioner I	3:		
Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT,  MANITOWOC CO	DUNTY	
Enter the name of the petitioner. If joint petitioners, enter the	IN RE: THE MARRIAGE PATERNITY OF		
name of Petitioner/Joint Petitioner A.	Petitioner/Joint Petitioner A	·	
Enter the name of the respondent. If joint petitioners, enter the	Name (First, Middle and Last) and	ι	
name of Respondent/Joint	Respondent/Joint Petitioner B		Affidavit of Mailing
Petitioner B. Enter the case	Name (First, Middle and Last)		Case No.
number.			
AFTER you have mailed the documents, you must complete the information to the right	UNDER OATH I STATE:  I placed in an envelope a copy of the following		
by checking the boxes indicating the specific documents that you mailed.	<ul> <li>☐ A blank Income and Expense Statemen</li> <li>☐ A blank Financial Disclosure Statemen</li> <li>☐ Requirement to attend parent education</li> </ul>	t (FA-4139V) form n	
harassment or domestic abuse injunction, use Motion for DeNovo	To review decision for a Motion for and Notice of New (De Novo) Hearing (FA-4130V) form    Motion for DeNovo Hearing (CV-503) form.   Motion for Change: (FA-4170V/FA-4171V - Post Judgment) form   Motion for:		
If a motion, enter the type of motion.			
Enter the date [month, day, year] on which you placed the	I mailed that envelope with proper postage af  Name		
documents in a	Address		
mailbox, and the name and address of the person to whom	AddressCity	State	Zip
you mailed them.	STOP!		
	Take this document to a Notary Pu	iblic BEFORE yo	ou sign it.
After you have been			
sworn by a Notary Public, sign and print	State of Wisconsin		Signature
your name and date	County of Manitowoc Subscribed and sworn to before me on		
of the Notary Public.		_	Print or Type Name
Have the Notary Public sign and date.	Notary Public/Court Official		Address
i done sign and date.	Name Printed or Typed		
	My commission/term expires:	Email Address	Telephone Number
	This notarial act involved the use of communication technology	Date	State Bar No. (if an



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: 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\*\*\*\* How many? Does the Respondent possess any firearms? Yes/No 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. Date of Birth Your Name (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

### Fee Schedule

<u>Civil Process</u>: \$40 minimum - \$130 maximum per person. \$40 deposit per person is required. The \$40 deposit includes one attempt or service. We may also charge \$30 for each additional attempt or service. A maximum of 3 additional attempts can be charged. Mileage is included and will not be charged separately. The \$40 deposit should be included when your papers are submitted for service.

**Writs**: \$75 includes one hour of standby time. Additional standby time may be charged at \$40 an hour.

**Sheriff's Sale**: Posting \$75 -- Sale \$75 for a total of \$150. Check should be sent with original posting(s). A total of 4 copies of the sale should also be included.

**Copies**: \$0.25 per printed side (black/white) - \$0.40 per printed side (color)

**Mailing Copies**: Add \$1.00 standard letter (fee may increase for larger packages)

**Photos**: 4" x 6" on photo paper - \$3.50 each

CD/DVD/DVR - \$10.00 each

8 ½" x 11" photocopies of photos (Color \$0.40 each)

All copies or photos over \$5.00 must be paid in advance. A check should be made payable and mailed to the Manitowoc County Sheriff's Office along with request.

Call (920)683-4334 to request a quote on photo fees.

Reserve Deputy Security: Hourly charge, \$25 per hour with a minimum charge of 4 hours (\$100) per Reserve Deputy

Building Escort/Escort: \$70 per squad per hour