

Contempt

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 also use the **Notice of Hearing and Petition to Enforce Physical Placement (FA-609)**.

You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as court staff cannot give legal advice.

Procedural Checklist

Getting a Court Date

1. Complete **Order to Show Cause and Affidavit for Finding of Contempt (FA-4172)**.
2. Go to the Clerk of Courts Office. The clerks will:
 - Collect the appropriate filing and copy fees, if any.
 - Assign you a court date or direct you to the office that will assign the court date.
 - Make your copies (some counties may require that you bring the appropriate number of copies with you).
 - 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 (Service)

3. Give the other party(s) notice of the hearing by having them served with the court papers. The form you completed to request the court date will determine which method you must use to have the other party served. See the **Service Packet (FA-5000)** for options and procedural instructions.

Deadline: The other party(s) must be notified properly and provided with the forms **no later than five (5) business days before the date of the hearing**.

4. Make a copy of the proof of service (**Affidavit of Service (FA-4120)**, **Admission of Service (FA-4119)**, or **Affidavit of Mailing (FA-4121)**) 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.

NOTE: If, for any reason, you need to cancel or postpone your court hearing, you must send a written request to the court and all parties (including the Child Support Agency, if a party). Once the Court has made a decision, you must then notify the other parties of the Court's decision and new date, if one was assigned.

Preparing for and Going to Court

5. 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 in person. **A letter or affidavit from them is not acceptable.**
6. 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.
7. 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.
8. 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-4176)**. **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 court requires **YOU** to complete the **Decision and Order for Contempt (FA-4176)**, follow 9 – 14 below.

9. After your court hearing, complete **Decision & Order on Motion or Order to Show Cause to: Change of Legal Custody, Physical Placement, Child Support, Spousal Maintenance, Other (FA-4175)**.
10. Make four (4) copies (6 if the State is a party) of the completed **Decision and Order for Contempt (FA-4176)**.
11. Send one copy to the other party and the State of Wisconsin (local Child Support Agency), if it is a party.

12. 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).
13. The court will hold the **Decision and Order for Contempt (FA-4176)** for five (5) days to give the other party(s) time to review the order and object to its accuracy. If there are no objections within the five days and the court agrees with how you have written the **Order**, he/she will approve and send each party a signed copy.
14. 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 will give you instructions as to how to proceed from the date of the hearing. If the court does not give instructions, and the other party has not complied with the terms of the new order, you may write a letter to the court official explaining that the other party has not followed the order and request action from the court. You must also send a copy of the letter you wrote to the court to the other party(s).