

Contempt P-3101

Court Related Offices

Court Self-Help Center
Courthouse, Room C-108
262-548-7524

<http://courtsselfhelp.waukeshacounty.gov>

Hours of Operation:

Walk-ins:

Mon. 8:30 am - 12 pm
 Wed. 12:00 pm - 4 pm
 Fri. 8:30 am - 4 pm

By Appointment:

Tues. 12:30 pm - 4 pm
 Thurs. 8:30 am - 12 pm

By phone:

Tues. 9:00 - 10:00 am
 Thurs. 2:00 - 3:00 pm

Family Legal Clinic:

Wednesdays 4:30-6:30 pm (by appointment only)
20 minutes of free legal advice

Child Support Agency
Administration Building, Room 348
414-615-2586

Open: Mon-Fri 8 am - 4:30 pm

Family Court Office
Courthouse, Room C-112
262-548-7544

Open: Mon-Fri 8 am - 4:30 pm

Waukesha County Courthouse, 515 W. Moreland Blvd, Waukesha, WI 53188

Notary Public Services are available at no charge in the Family Court Office and
Copies can be made in the Court Self-Help Center for **\$.15** per page

This packet is used to seek assistance from the court if the other party has violated or not followed a court order or judgment related to any matter except physical placement of a minor child. If the violation is related to physical placement, please see **P-3105- Enforcing Physical Placement.**

You are encouraged to seek some legal assistance to verify that these forms are the most appropriate for your situation. The Court Self-Help Center staff **cannot give legal advice**, but they can review forms for completeness and answer basic procedural questions.

Procedural Checklist

Getting a Court Date

1. Complete the **Order to Show Cause and Affidavit for Finding of Contempt** (FA-4172).
2. Go to the Court Self-Help Center during regular business hours or call to make an appointment (see page 1) to have your forms reviewed for completeness.
3. Go to the customer service window of the Family Court Office. The clerks will:
 - Collect the appropriate filing and copy fees.
 - Assign you a court date.
 - Make your copies.
 - Return the appropriate number of copies to you.

Caution! You may have to wait for court staff to obtain a court official's signature. For best results, avoid the early morning, lunch hour, and late afternoons.

Notifying the Other Party (Service)

4. Give the other party(ies) notice of the hearing by having him/her served with the **Order to Show Cause and Affidavit for Contempt** (FA-4172) and the **Income Statement** (FA-4138). See the **Service Packet** for options and procedural instructions.

Deadline: The other party(iess) must be *personally served* with the forms **no later than five (5) business days before the date of the hearing.**

5. Make a copy of the proof of service (**Affidavit of Service** or **Admission of Service**) for your records and bring the original 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 Division, 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

6. Take the following items with you to court:
 - Original **proof of service.**
 - Original and two (2) copies (3 if the State is a party) of your completed, dated, and signed **Income and Expense Statement** (FA-4138) and required attachments.
 - Any other documents you think may help you make your case to the court along with copies for each party.
 - If you wish to have other people testify for you, make sure they come to court in person. **A letter from them is not acceptable.**

7. Go to the correct courtroom at least 20 minutes before your assigned court time and let the bailiff or court clerk know that you have arrived (you may sit in the hall or watch court).
8. When your case is called, 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 state his/her decisions/rulings to you. Take notes because you must be able to write the ruling on a specific form called **Decision and Order** (FA-4176). The court **may** also set another hearing for the parties to return to court.

After Court

10. After your court hearing, complete the **Decision and Order for Contempt** (FA-4176).
11. Go to the Court Self-Help Center to have your form reviewed for completeness.
12. Make four (4) copies (5 if the State is a party) of the completed **Decision and Order for Contempt**. You should have at least **5 sets** in all.
13. Before filing, send one copy under the **5-day rule** to the other party and the State of Wisconsin, if a party. The five-day rule gives the other party 5 days to object to the **accuracy** of how you have written the order, not to what happened in court.
14. File the original, the remaining three copies of the **Order**, and two self-addressed stamped envelopes (one addressed to you, one addressed to the other party) in the Family Court Office in person or by mail.
15. The court will hold the **Decision and Order for Contempt** for five (5) days to give the other party(s) time to review the order and object to how accurately it has been completed. If there are no objections within the five days and the court agrees with how you have written the Order, the assigned court official will approve and send each party a signed copy.
16. If the other party is found to be in contempt of court, he/she may be given remedial sanctions or consequences for not complying with the original court order/judgment. He/she may also be given a certain amount of time to comply with specific actions to stop the contempt (also known as purge terms). 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 complied with 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).