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# De Novo Hearing Guide

**Motion for and Notice of New (De Novo) 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 (De Novo) 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 (De Novo) Hearing.

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## Procedural Checklist

### Getting a Court Date

1. Complete the **Motion for and Notice of New (De Novo) Hearing (FA-4130V)** form.
2. If you have a copy of the **signed** Order, attach it to the form.
3. Come to the Family Division Office between 8:30 am and 4:00 pm, Monday through Friday, to do the following:
  - Have your form reviewed for completeness.
  - Make three (3) additional copies of the completed original **Motion for and Notice of New (De Novo) Hearing** form, four (4) if the State of Wisconsin (Child Support Agency) is a party. You can make your own copies in the Room C-108 for \$.25 per page on the coin-operated copier. Please bring cash as it accepts \$1, \$5, \$10 bills and coins only.
4. Pursuant to Family Local Rule 2.3, within 15 calendar days of the Oral Decision of the Court Commissioner, or within 15 calendar days of the mailing of a written Decision or Order by the Court Commissioner if the Decision or Order was not given orally by the Court Commissioner at the time of the hearing, go to the Family Division office to:
  - 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: (Service)**
  - **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.

**Note:** If for any reason, you need to cancel or postpone your Court hearing, you may complete the Request to Reschedule form and follow the accompanying Procedural Guide.

7. Take the following with you to the New (De Novo) 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 or the **Income and Expense Statement (FA-4138V)** 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. You may also complete a Subpoena to order other people to testify at the hearing.
  - **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.

## After Court

1. After your Court hearing, complete the **Decision and Order** (FA-4175).
2. Complete the **Ten-Day Rule cover letter**.
3. Come to the Family Division between 8:30 am and 4:00 pm, Monday through Friday, to have your forms reviewed for completeness.
4. Make four (4) **additional** copies (5 if the State is a party) of the completed **Decision and Order**.
5. Make two (2) **additional** copies (3 if the State is a party) of the **Ten-Day Rule cover letter**.
6. Before filing, send one copy of the **Decision and Order** and **Ten-Day Rule cover letter** to the other party(s).
7. File the original **Decision and Order**, the remaining three copies of the **Order**, a copy of the **cover letter**, and two self-addressed stamped envelopes (one addressed to you, one addressed to the other party) in the Family Division Office in person or by mail.
8. The Court will hold the **Decision and Order** for ten calendar (10) 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 ten 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.

## Court Related Offices

### Clerk of Circuit Court, Family Division Office

Waukesha County Courthouse, Rm C-153

515 W. Moreland Blvd.

Waukesha, WI 53188

262-548-7544

<http://courtsselfhelp.waukeshacounty.gov>

**Office Hours:** Monday-Friday 8:00 a.m to 4:30 p.m.

### Available Services:

**Accept Filings and Fees**

**Distribution of Forms, Packets, & Procedural Guides** (fees may apply)

## **Notary Public Services**

**Coin-Operated Copier: \$.25/pp:** Available in Rm C-108. \*Please bring cash as the copier accepts \$1, \$5, \$10 bills and coins only.

**Review of forms for completeness:** Monday-Friday 8:30 a.m. to 4:00 p.m.

**Family Legal Clinic (By Appointment ONLY):** Wednesdays with appointments starting at 3:00 p.m.

- 20 minutes of free legal advice with a volunteer Attorney.
- Eligibility requirements: Individuals with a Waukesha County **Family** Case, do not have an Attorney, have never utilized the Family Legal Clinic before, have family court related legal questions, and are in need of assistance.

## **Family Court Services**

Waukesha County Courthouse, Rm C-380  
515 W Moreland Boulevard  
Waukesha, WI 53188  
262-548-7900

<https://www.waukeshacounty.gov/CircuitCourts/FamilyCourt/family-court-services/>

**Office Hours:** Monday - Friday, 8:00 a.m. to 4:30 p.m.

**Available Services:** Child physical placement related mediation and studies/evaluations

## **Waukesha County Child Support Enforcement Agency**

Administration Building, Room 348  
515 W. Moreland Blvd.  
Waukesha WI 53188  
414-615-2586

<https://www.waukeshacounty.gov/CircuitCourts/FamilyCourt/child-support/>

**Office Hours:** Monday-Friday, 8:00 a.m. - 4:30 p.m.