

ORDER TO SHOW CAUSE & AFFIDAVIT FOR FINDING OF CONTEMPT

This form is provided to help people who represent themselves when requesting the Court to order the other party to comply with provisions of a divorce or paternity judgment. Do not use this form to request changes in court orders. Use the Motion to Change forms for those situations. Filing the Order to Show Cause & Affidavit for Finding of Contempt does not guarantee that you will succeed in your request. It only provides you the opportunity to present your case to the Court.

STEP 1: STUDY THESE INSTRUCTIONS & FILL OUT THE CONTEMPT FORM

Type or print neatly. Read the instructions in the left margin of the form when completing it. There is no filing fee for this court action.

STEP 2: OBTAIN A COURT DATE

Take the completed form to the Court Commissioner Center, Room 2000, Dane County Courthouse, to obtain the name of the Commissioner assigned to your case and the date, time and place of the hearing. After a court date is assigned, make 3 copies. Return the original of the form to the Court Commissioner Center.

STEP 3: SERVE THE FORM

The other party must be personally served. If the other party had an attorney at the last hearing, you must mail a copy of the form to the attorney. If either party has or is receiving public assistance for the children, the Dane County Child Support Enforcement Agency, Room 365, of the City-County Building, must also be served with a copy of the form. You may deliver the form yourself to the Dane County Child Support Agency.

A. By Sheriff

If the other party lives in Dane County, you may have the Order to Show Cause & Affidavit in support of it served on the other party by the Civil Process Division of the Dane County Sheriff's Department, Room 2002, Public Safety Building, 115 W. Doty Street, Madison, WI 53703. The Sheriff will need two copies of the form you filed in STEP 2. There is a \$40 charge for every service or attempted service, plus 55.5¢ per mile, round trip that the deputy travels. There will be no fee if you qualify for a fee waiver. You can obtain the Petition for Waiver of Filing and Service Fees at the Court Commissioner Center, Room 2000, Dane County Courthouse. Once the Sheriff has served the form, you will be sent Proof of Service. Bring this Proof of Service to the hearing.

If the party lives outside Dane County call the Sheriff in the county where that person lives for instructions on serving the papers.

B. By Private Process Server

You may use a private process server to serve the Order to Show Cause & Affidavit on the other party. To locate a private process server, look in the yellow pages under "Process Servers." Once the forms have been served, you will be sent a Proof of Service. Bring this Proof of Service to the hearing.

STEP 4: ATTEND THE HEARING

At the hearing, the Commissioner must have the "Proof of Service" form from the Sheriff or private process server. If you do not have this document, the hearing will not proceed. Present your case to the Court Commissioner. You should have an original and two copies of any written document you wish the Commissioner to look at in support of your case. Documents may include:

- a. Photocopies of specific sections of the divorce or paternity judgment that outline what the other party was ordered to do;
- b. Proof of expenses incurred, what bills you paid;
- c. Proof of what the insurance company paid, if there is insurance;
- d. Proof that the insurance company or ex-spouse did not pay the bill;
- e. Proof that you notified the other party of the bill and he or she refused to pay.