

GENERAL INSTRUCTIONS FOR A MOTION OR ORDER TO SHOW CAUSE ACTION

INTRODUCTORY REMARKS:

The forms are to be used in cases where your divorce, child support or paternity action was originally heard in the KENOSHA COUNTY CIRCUIT COURT. In addition to the successful completion, filing and service of the attached forms, you are required to prove your case according to the appropriate legal standards. We, therefore, strongly encourage you to obtain an attorney, but you are not required to do so.

As a "pro se" litigant, you assume responsibility for bringing your action independently, and are expected to complete all the necessary steps yourself. Court clerks cannot give legal advice or neglect their assigned duties to fill out your papers or advise you on how to proceed with your action.

The legal forms must be:

1) Completely and accurately filled out. Bring an original and 3 copies of the documents.

2) Filed with the Clerk of Circuit Court in room 109. You may be required to pay a filing fee at the time of leaving the papers.

Currently the cost of an action for a revision of the Judgment for matters pertaining to physical placement, custody or visitation is \$50.00. This type of action also requires participation in the Parent Education Class and involves an additional class fee of \$15.00 per person.

For other matters pertaining to a revision of the Judgment, the filing fee is \$30.00.

If the action is ONLY FOR ENFORCEMENT of an existing divorce judgment, there is no filing fee.

The papers will be taken to the Court Commissioner for his review, signature and a court date. Call the Family Court Office @ 653-2454 within 2 days after filing the papers to see if they have been signed and are ready to be picked up for serving. It is your responsibility to call and pick up the papers for service.

If you are currently receiving aid from the State or the Child Support Agency has been involved in the collection of support, you must serve a copy on them. The Child Support Agency is located in Old Market Square, 8600 Sheridan Rd, (North end of the building) Kenosha, Wisconsin. Have them admit service on a copy of the documents and file the admission of service with the Court.

The person or agency serving your papers will require two copies for service. Keep

one copy for yourself

3) Have the documents SERVED. The Kenosha County Sheriff's Department requires a \$40.00 deposit to serve any papers. You may also contact a Process Server (fees vary).

Because there are laws governing the conduct of process servers, limiting the hours and places they can serve and the specific procedures for out-of-state service in addition to the requirements listed below, **IT IS STRONGLY RECOMMENDED** that you have the Sheriff's Department or a private process server serve your papers. **WITHOUT SERVICE OR IF SERVICE IS NOT DONE ACCORDING TO THE LAW YOUR ACTION WILL BE DISMISSED AND YOU WILL HAVE TO START ALL OVER AGAIN.**

1. To obtain service, a file-stamped copy of all papers must be placed in the hand of the other party.

BY LAW, BECAUSE YOU ARE A PARTY TO THE ACTION, YOU CANNOT SERVE THE OTHER PARTY YOURSELF!

2. **WHO CAN SERVE PAPERS:**

a) Kenosha County Sheriff's Department located in the Safety Building, 1000 55th St. Give them two copies of your forms and pay their service fee, unless you have a fee waiver form.

b) Private process server.

Remember, if your papers are not properly served, your hearing cannot be held and the action may be dismissed.

c) Any adult (except yourself). Give the adult two copies and instruct as follows: The process server must hand the papers to the other party. After this has been done, the Affidavit of Service must be completed and signed in front of a notary public.

After the papers have been properly served, the Affidavit of Service must be filed with the Family Court Office in room 109. (Service normally must be 48 hours before the court hearing scheduled.) This also includes the admission of service by the CSA if required.

Petition For Waiver of Fees/Costs - PLEASE ASK FOR THIS FORM FROM THE FAMILY COURT OFFICE ROOM 109. DO NOT complete this form if you are employed full-time unless you truly believe that your hourly wage is so low or the number of children so great that it may qualify you for free filing. If you feel you may be eligible for free filing, complete all the required information (page 1 and 2) and sign in front of a notary. The Family Court Commissioner will determine if you are

eligible. Be prepared to pay the filing fee in the event that you do not qualify.

CLOSING REMARKS

1. **BE PROMPT FOR YOUR HEARING.** Children are not allowed in the Courtroom. If you are not on time, your action may be dismissed. If you have not obtained service on the other party before the hearing date, contact the Family Court Office either for a new date or request that the matter be removed from the calendar. In most cases, you are the only party who may remove the matter from the calendar. If the other party requests an adjournment, you may also contact the Family Court Office for this.

Do NOT wear shorts or hats or inappropriate clothing or you may be asked to leave the courtroom. Do not bring your children, there is no one here to watch them for you.

2. Prepare as if you are your own attorney. This means bringing in any information which will make your case more believable. Have all documents and witnesses to prove your case with you. If your case is a contempt hearing and you feel it will take more than 1/2 hour, please indicate this to the Clerks in the Family Court Office when you are arranging for your hearing. You will need to collect all information yourself. You must prove your own statements.

3 **CAUTION:** If you have brought this matter to the court to harass, to "get even" or for any reason beyond your claims and the Court finds your claims are insincere, ingenuine, or false, YOU can be penalized, including a requirement to pay the other person's attorney fees and costs of defending this action.

THE FAMILY COURT COMMISSIONER'S OFFICE PERSONNEL CANNOT GIVE YOU ANY LEGAL ADVICE. If you are uncertain of your legal rights, you must contact an attorney!