

## FORM FA-4172V

### ORDER TO SHOW CAUSE AND AFFIDAVIT FOR FINDING OF CONTEMPT

Wisconsin Court System [www.wicourts.gov](http://www.wicourts.gov) / representing yourself in Court

Representing yourself in court is a big decision. You must follow the same standards of a lawyer and understand the legal process. In many matters, such as a disputed divorce or a complicated child custody case, it may be best to get legal advice. You may need to consult an attorney to determine that you are doing the right thing and that you are fully prepared for the court hearing. If you are unsure, it may be best to seek the help of an attorney.

#### **Preparing your forms**

- Make sure you have chosen the correct forms for your case. Read the instructions carefully before you complete the forms.
- ***Wait! Do not sign the forms.*** Many of the forms require that you sign them in the presence of a Notary Public.
- Make sure that all of the required information is attached to the forms and documents.
- **Make correct number of photocopies.**
- Be prepared to pay the filing fees required for your specific court matter at the time you file the papers.

#### **Preparing for court**

- Look over the forms and materials you are going to present in court. Make sure they are filled in accurately and completely and that you have made the proper number of copies for the court.
- If the opposing party, or his/her attorney, requests case-related information, you must comply. This process is called Discovery. It is necessary for parties to honestly share requested financial and other material.
- Verify that people you wish to serve as your witnesses will be available at the time of your hearing. ***Remember: All witnesses must be present.***
- Make notes before you go to court so you are prepared and know exactly what you want to say.
- Be prepared to provide any information requested by judges, court commissioners and court staff.

**Remember:** The judge or commissioner cannot speak to you about your case except when your case is in court and when the other party is there. Court staff can help you with questions such as when your hearing is scheduled, or if you are in the right courtroom, but they cannot give you legal advice or recommendations about what you should do.

## FORM SUMMARY

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**Name of Form:** Order To Show Cause and Affidavit for Finding of Contempt

**Form Number:** FA-4172V

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**Statutory Reference:** §§767.451 and 767.59, Wisconsin Statutes

**Benchbook Reference:**

**Purpose of Form:** This form may be used to order another party to come to court to justify why that person should not be found in remedial contempt of court for past violations of a current order.

**Who Completes It:** Party seeking the finding of contempt on the other party completes the affidavit; a judge or court commissioner signs the Order itself.

**Distribution of Form:** Original to clerk of court. Depending on the particular county involved, either the original order itself, a duplicate original of the Order or an authenticated copy would be personally served on the other parties.

**Accompanying Forms:** Generally the Order to Show Cause may be the only document needed. However, if the form's instructions indicate a supporting document is needed, that document or documents should be attached.

**New Form/Modification:** Modification; last update 10/06.

**Modification:** Added "Both parties must bring to court their full completed, dated and signed Income and Expense Statement and all required attachments."

**Comments:** None

**About this Form:** **This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office.**

**As a *pro se* form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.**

**PRINT in BLACK ink**

Enter the name of the county in which the original case was filed.

**STATE OF WISCONSIN, CIRCUIT COURT,**  
\_\_\_\_\_ **COUNTY**

*For Official Use*

Check marriage or paternity. If paternity, enter initials of child.

In RE: The  marriage  paternity of: \_\_\_\_\_

Enter the name, address, and daytime phone number of the petitioner or joint petitioner from the original case file.

**Petitioner/Joint Petitioner:**

\_\_\_\_\_  
First name Middle name Last name

Current Mailing Address  
\_\_\_\_\_

On the far right, enter the original case number.

\_\_\_\_\_  
City State Zip Daytime phone number

**Order To Show Cause  
and Affidavit for Finding of  
Contempt**

Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.

**Respondent/Joint Petitioner:**

\_\_\_\_\_  
First name Middle name Last name

Current Mailing Address  
\_\_\_\_\_

\_\_\_\_\_  
City State Zip Daytime phone number

Check if the State of Wisconsin is a party or not. If you are unsure, you may call your local Child Support Agency.

The State of Wisconsin (Child Support Agency)

**is**  
 **is not** a party to this action.

Case No. \_\_\_\_\_

Enter the name of the party you want to appear in court.

**ORDER TO SHOW CAUSE**

Upon the attached Affidavit, **IT IS ORDERED THAT:** \_\_\_\_\_  
**appear in person** at the following date and time:

Before: \_\_\_\_\_

Location: \_\_\_\_\_

Date: \_\_\_\_\_

Time: \_\_\_\_\_ a.m./p.m., or as soon as the matter may be heard,

To show cause why YOU should not be found in contempt of court as requested in the attached affidavit. *If you do not appear as indicated, the court may hold the hearing without you and grant the request, including issuing an order to have you arrested and committed to the county jail.*

You also have a right to be represented by an attorney at this hearing. Unless good cause is shown, failure to appear without an attorney will be deemed a waiver of that right.

**IT IS FURTHER ORDERED** that:

- A copy of this order to show cause and affidavit be personally served upon all other parties **at least 5 business days** before the date of the hearing.
- Both parties **bring to court a fully completed, dated, and signed Income and Expense Statement** and all required attachments.

**BY THE COURT:**

\_\_\_\_\_  
Circuit Court Judge/Circuit Court Commissioner

\_\_\_\_\_  
Name Printed or Typed

\_\_\_\_\_  
Date

**For Court Use Only**

**AFFIDAVIT FOR FINDING OF CONTEMPT**

Check all those categories for which you believe the other party is in contempt. If other, mark the box and write for what you believe the other party is in contempt.

IF the issues are related to legal custody or physical placement of a child, the Notice of Hearing and Petition to Enforce Physical Placement form is available.

Enter the date the current court order or judgment was signed by a court official.

Enter the facts that support your claim. If you need additional space, mark the box and attach the sheets.

1. The other party was court ordered to do the following and has failed to do so:

- Pay child support in the amount of \$\_\_\_\_\_ per \_\_\_\_\_.
- Pay maintenance (spousal support) in the amount of \$\_\_\_\_\_ per \_\_\_\_\_.
- Pay family support in the amount of \$\_\_\_\_\_ per \_\_\_\_\_.
- Pay uninsured medical bills in the total amount of \$\_\_\_\_\_.

**Copies of the unpaid bills are attached to this Affidavit.**

- Return property that was awarded to me.
- Sign/complete final documentation (Quit Claim Deed, QDRO, WI Real Estate Transfer Return, vehicle titles, etc.).
- Pay debts that he/she was ordered to pay.
- Pay the amount of \$\_\_\_\_\_ to equalize the property settlement.
- Allow me to claim the children as tax exemptions as ordered.
- Provide medical insurance cards and/or other medical records.
- Pay transportation expenses related to placement in the total amount of \$\_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

2. The court order that I am asking to be enforced was dated: \_\_\_\_\_.

3. The facts supporting my reasons for believing that the other party is in contempt are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

See attached

If you need help in this matter because of a disability, please call: \_\_\_\_\_

**STOP!**  
**Take this document to a Notary Public BEFORE you sign it.**

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Print or Type Name  
\_\_\_\_\_  
Date

Have the Notary Public sign, date, and seal the document.

Subscribed and sworn to before me  
on \_\_\_\_\_  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission expires: \_\_\_\_\_

(Seal)

A copy of this Order to Show Cause and Affidavit must be served upon all other parties **at least 5 business days** before the date of the hearing. See Service Packet for more information.

## FORM SUMMARY

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**Name of Form:** Affidavit of Service

**Form Number:** FA-4120

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**Statutory Reference:** §801.10, Wisconsin Statutes

**Benchbook Reference:** FA-2

**Purpose of Form:** To provide a document by which a person who has served documents on another person can sign under oath the necessary information concerning that service.

**Who Completes It:** The person who has formally served documents on a person fills out the information concerning the date and time of service and the documents served. That person then seeks out a notary public and, after being sworn, signs the document. The notary public will complete the notarial section.

**Distribution of Form:** Original will be filed with the court after it has been signed and notarized.

**Accompanying Forms:** The documents for which service is being made will be given to the process server along with a copy of this Affidavit.

**New Form/Modification:** Modification; last update 01/06.

**Modification:** Updated to comply with 2005 Wis. Act 443.

**Comments:** None

**About this Form:** **This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office. As a *pro se* form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.**

**PRINT in BLACK ink**

Enter the name of the county in which this case is filed.

**STATE OF WISCONSIN, CIRCUIT COURT,**  
\_\_\_\_\_ **COUNTY**

*For Official Use*

Enter the name of the petitioner. If joint petitioners, enter the name of the wife.

In Re: The  marriage  paternity of \_\_\_\_\_

**Petitioner/Joint Petitioner-Wife:**

\_\_\_\_\_  
First name Middle name Last name

and

**Respondent/Joint Petitioner-Husband:**

\_\_\_\_\_  
First name Middle name Last name

**Affidavit of Service**

Case No. \_\_\_\_\_

Enter the name of the respondent. If joint petitioners, enter the name of the husband.

Enter the case number.

**UNDER OATH I STATE THAT:**

**Note:** A party to this action **cannot** serve the documents on the other party.

I am an adult resident of the State of Wisconsin.

I am not a party to this action.

On (Date) \_\_\_\_\_ at \_\_\_\_\_ o'clock in the a.m./p.m.

At (Address) \_\_\_\_\_  
\_\_\_\_\_

**After** the documents have been served, the person serving the documents must complete the information. Enter the date [month, day, year], time and the address at which the documents were served.

I served copies of the following documents:

- Authenticated **Summons and Petition**
- Order to Show Cause and Affidavit for Temporary Order** (Date) \_\_\_\_\_
- A blank **Financial Disclosure Statement**
- Requirement to attend parent education
- Order to Appear**
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

**Check the boxes indicating the specific documents that were served.**

If one of the documents is an Order to Show Cause, enter the date [month, day, year] the Order To Show Cause was signed by a court official.

If other, enter the name of the document.

Enter the name of the party to whom the papers were served.

personally by delivering to and leaving these documents with the person served whom I know to be \_\_\_\_\_

**Take Notice:** You must complete this task.

At the time of service, I signed my name, time, date, place and manner of service and upon whom service was made **on the copy that was served.**

**STOP!**  
**Take this document to a Notary Public BEFORE you sign it.**

After you, the server, have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Date

Have the Notary Public sign, date, and seal the document.

Subscribed and sworn to before me  
on \_\_\_\_\_

*(Seal)*

\_\_\_\_\_  
Notary Public, State of Wisconsin

My commission expires: \_\_\_\_\_