

How do I serve a motion?

You must serve the document you filed on the respondent. Your local Sheriff's Department, a private process server, or a private person (over the age of 18) may serve the documents. You, as petitioner, may not personally serve the papers. The Sheriff's Department or private process server will charge you for serving the papers.

The person serving the papers will have to fill out an Affidavit of Service Form. The process server must sign the affidavit in front of a Notary Public and then file it at the Clerk of Courts office prior to the hearing. If this is not possible, you should bring the form with you to the hearing.

What will happen at the hearing?

At the final hearing you must show the court what it is that you want enforced since the last order was entered and why. The court will determine if you have proven the necessary facts.

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Post Judgment Motions

Contempt Motions/ Enforcement of Physical Placement Motions

Explanations,
procedures and where
to go for forms.

Waupaca County
Clerk of Circuit Court office
811 Harding Street
Waupaca, WI 54981
Phone number (715) 258-6460
Office hours—8:00a.m. to 4 p.m.
Monday thru Friday

Disclaimer: This brochure is intended to provide the public with general information regarding post judgment motions. It is in no way intended to be legal advice. You must contact a licensed attorney for specific legal advice.

What is Contempt?

Contempt is the willful and intentional failure to comply with a court order, judgment, or decree, by a party to the action, which may be punishable by law (fine or jail time).

Contempt issues are most often seen in cases involving failure to pay child support.

What is Enforcement?

Enforcement is when you ask the court to enforce an existing order. This type of motion is most often used in cases involving child placement.

Why would I file an Enforcement Order?

- ◇ Failure to allow placement (visitation)
- ◇ Failure to return children from placement (visitation)

Why would I file a Contempt Order?

- ◇ Failure to follow or abide by a judgment
- ◇ Failure to pay child support
- ◇ Failure to pay maintenance (alimony)
- ◇ Failure to pay medical expenses
- ◇ Failure to allow use of tax exemptions/ child credit
- ◇ Failure to pay property division payment or return property

Is there a waiting period to file a contempt or enforcement motion?

No, you will be notified of the hearing date set by the Judicial Branch Office.

Where do I get the forms I need?

You can get the forms you need from your local Clerk of Court for a cost, or you can get them on the Wisconsin Court System's Self-Help Center quick link at www.wicourts.gov

What form do I use for Contempt?

FA-4172V Order to Show Cause and Affidavit for Finding of Contempt

What form do I use for Enforcement?

FA-609 Petition to Enforce Physical Placement Order– To allow a parent who has been awarded periods of physical placement to seek enforcement of a physical placement order.

FA-611 Order to Enforce Physical Placement Order– Court order to enforce a placement order of a court or family court commissioner.

How do I fill out the Forms?

When filling out the forms, be very precise on the relief you want. Make sure the forms are filled out completely. Type or print neatly. The court must be able to read your writing and have no questions about what it is you are asking for.

What do I do after I have the forms filled out?

After the forms are filled out, make five (5) copies. Take these to your local Clerk of Courts and file your motion. You will then get a time and date for the hearing. Write the time and date on all copies. The Clerk of Courts will keep the original and two copies. You will need to keep one copy for yourself, and you will need the other two copies to be served on the other party

Is there a fee to file a Contempt or Enforcement Order?

No, there is no fee to file these orders.

Must I notify the other party?

Yes, you must serve notice of the hearing along with the court papers on the other party no later than five (5) business days before the date of the hearing.