

**INSTRUCTIONS FOR ORDER TO SHOW CAUSE PACKAGE  
GREEN COUNTY FAMILY COURT**

READ **ALL** OF THESE INSTRUCTIONS **BEFORE** YOU FILL OUT THE ATTACHED FORMS.

IF YOUR FORMS ARE NOT PROPERLY FILLED OUT, **YOU WILL NOT GET A COURT DATE.**  
IF YOUR FORMS ARE NOT PROPERLY SERVED, **YOU WILL NOT GET A HEARING.**

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These forms can be used in cases where you are asking for a hearing before the Green County Family Court Commissioner **and** your divorce, child support, or paternity action was originally heard in Green County.

Correctly completed forms showing that you are entitled to a hearing under the law will get you into court. At the court hearing you must still prove your case according to the appropriate legal standards.

**We strongly encourage you to obtain a lawyer, but you are not required to do so.**

A “pro se” litigant is a person who is handling their case without a lawyer. As a pro se litigant, you are acting as your own lawyer. You are responsible for completing all the necessary steps yourself.

Neither court staff nor child support staff can help you fill out the forms.

Court personnel and child support personnel are prohibited by law from giving you legal advice.

To get a hearing, you must:

**1)** Completely and accurately fill out the forms. Every line is important. **PRINT CLEARLY.** If additional space is necessary, use a blank piece of paper and staple it to the form.

**SEE “FILLING OUT YOUR FORMS”, BELOW**

**2)** File the forms with the Clerk of Circuit Court, pay any required fee and return a file stamped copy to the Family Court Commissioner.

**SEE “FILING YOUR FORMS”, BELOW**

**3)** Have your forms properly served and file the Proof of Service with the Clerk of Court with a copy to the Family Court Commissioner.

**SEE “SERVING YOUR FORMS”, BELOW**

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**FILLING OUT YOUR FORMS**

*Form Numbers are in the bottom center or lower left hand corner of each form.*

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**FORM #1:  
INFORMATIONAL SHEET**

Before you begin, study the instructions above so you understand them.

Printing neatly, complete every item on this form. If you don't know some of the information on this form,

you must make an effort to find it out. You will use much of this information on the rest of your forms.

The caption of your case is the portion on the very top of every document. It may begin with “In re the Marriage of”, “In the Matter of the Support of”, “Paternity of” or similar language.

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**FORM #2:  
AFFIDAVIT IN SUPPORT OF ORDER TO  
SHOW CAUSE**

Items 1 & 2: Fill in the name of the Petitioner and Respondent just they appear in the caption of your original case\*. If your original case identified you as joint-petitioners, use the first person listed in the original case as the Petitioner.

\*The first line of the caption on the original case may read “Paternity of X.Y.Z”, or a similar phrase. If yours is this kind of action, put this part of the caption on the “In the Matter of:” line.

Item 3: Fill in the file number of your original case (for example, 90-FA-999).

Item 4: Check the box to answer the question.

Item 5: Print your name.

Item 6: Check the appropriate box or boxes to describe what you want the Court to deal with.

Item 7: Check the box or boxes that describe the subject of this request.

Item 8: Check the appropriate boxes, and print the name and birth date of each of your children.

Item 9: If there is an existing order that you want enforced or changed, print the date of that court order. Use the date displayed on the Court's File Stamp. If there is no prior order, print "N/A".

Item 10: If there is an existing order, describe the part of that order that deals with your situation, for example: "We were given shared placement of the children" or "She was ordered to pay \$90 per week for child support". If you need more room, attach an additional piece of paper. If there is no previous order, print "N/A".

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**FORM #3:  
ORDER TO SHOW CAUSE**

Items 1 & 2. Fill in the caption exactly as you did on Form 2.

Item 3: Fill in the case number as on Form 2.

Item 4: Fill in the name of the other party. Check the box or boxes that you checked on Form 2. The Family Court Commissioner Staff will fill in the date and time for the hearing.

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**FORM #4:  
AFFIDAVIT OF INDIGENCY AND ORDER**

You will ONLY complete this form if you believe that your household income is so low that you cannot afford to pay the filing fees or service fees for your Order to Show Cause Packet. If you do not fill this form out, you do not need to file it or send it with your other forms for service.

Complete the form following the instructions printed on the form.

Item 11: Describe what you want the court to do. If you need more room, attach an additional piece of paper.

Item 12. Describe the facts that support your request. Don't assume we know anything about why you are asking for a hearing. Describe what has changed, what is going wrong, or what violation has occurred. If you need more room, attach an additional piece of paper.

Item 13: Do not modify this item. If the court appoints a Guardian ad Litem, each party will usually be ordered to pay \$500 to the Guardian ad Litem as a deposit against his or her fees.

Item 14: Sign and date the form in front of a Notary Public. If you don't know a Notary Public, the clerks at the Clerk of Circuit Court office are Notaries Public and can notarize your signature. You must provide proper identification for your signature to be notarized, preferably a photo driver's license or other photo identification.

Item 5. If you want the other party to bring documents to the hearing, check this box and print in the names of those documents. Print neatly; if the other party can't read what you want, they don't have to bring it. You should request any documents that will give the Court information about the issues. For example, in a child support case, you may want pay stubs for the last 6 weeks, tax returns for the previous 2 years, and W-2's for the previous year.\*\* Be specific.

\*\*\*If child support is an issue, you must bring your own pay stubs for the last 6 weeks, tax returns for the previous 2 years, and W-2's for the previous year.

If you file an incomplete form, your request will be denied.

When the form is completed, go to a Notary Public and sign and date the form.

The Family Court Commissioner will determine if you are eligible for a free filing and free service. Be prepared to pay the filing fee and service fees if you do not qualify.

**FORM #5**  
**AFFIDAVIT OF SERVICE**

You will ONLY use this form if you are not having the Sheriff's Department serve your papers.

Fill out the caption exactly as you have done on the previous forms.

When you take your forms to be served (*see Serving Your Forms, below*) give this to the process server along with your other forms. They may use this form, although some professional process servers have their own form.

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**GETTING A DATE FOR YOUR HEARING**

When your forms are completed and notarized, you must send or deliver your completed forms to:

Family Court Commissioner  
Green County Courthouse  
1016 16<sup>th</sup> Avenue  
Monroe, WI 53566

If you deliver your documents, you should deliver them to the Clerk of Court's Office. Tell them these are for the Family Court Commissioner.

You **must** enclose a stamped, self addressed envelope (business size or larger) with adequate postage so your documents can be returned to you for service. If you don't, you will not be given a court date and your documents will not be returned.

You do not need to make any copies of Form 1. The Family Court Commissioner's Office will keep this form.

For the remaining forms, make **several copies** of each completed form and all attachments **before** you bring them in for filing. The court keeps the originals, and you must have enough copies to serve on all interested parties, including the child support enforcement agency.

**CAUTION:** The forms you receive back from the Family Court Commissioner's office **HAVE NOT BEEN FILED OR SERVED!**

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**FILING YOUR FORMS**

You file your forms by taking them to the Clerk of Court's Office, paying a fee, and having them stamped with the official Court stamp.

1. After you receive your forms back from the Family Court Commissioner, make copies. You will need at least 4 copies; you will need at least 5 copies if you need to give a copy to the Child Support Agency. (see 7, below)
2. Take the original and copies to the Clerk of Court.
3. Pay the required fee, or give the Clerk the Order that shows you are entitled to file without a fee.
4. The clerk will put an official court stamp on the original and copies. This shows that your forms have been "filed".

5. Ask the Clerk to put a stamped copy in the Family Court Commissioner's basket.

6. Wait to pick up the file-stamped forms or leave a self-addressed stamped envelope.

7. If you or the other party is receiving any type of aid from the State, **or if** the Child Support Enforcement Agency has ever been involved in your case, take a copy to the Child Support Enforcement Agency. The Child Support Enforcement Agency is located in the basement of the Courthouse.

**CAUTION:** The forms you receive back from the Clerk of Court **HAVE NOT BEEN SERVED!**

## SERVING YOUR FORMS

We **strongly recommended** that you have the Sheriff's Department or a private process server serve your forms.

If your forms are not properly served, the court will not hear your case and your requests will be denied. You may be able to get another hearing date, but you may have to **pay another filing fee** or **post a bond** to assure the Court that you will follow proper procedures for that hearing. By law, **you cannot serve the other party yourself.**

Your forms must be served on the other party **at least 5 business days** before the date of your hearing. Take them to the Sheriff's Office or process server immediately after you have them filed.

The Green County Sheriffs Dept. is located at 2827 6<sup>th</sup> Street, Monroe, WI 53566

1. Keep a copy of your forms for yourself.
2. For each person who needs to be served, take 2 copies of Form 2 and Form 3 to the Sheriff's Dept. or

a process server. If any extra pages were used, copies of these must be attached. If you are using a private process server, in addition to copies of Form 2 and Form 3, give them 2 copies of Form 5 for each person who needs to be served.

3. If the Court granted your request on Form 4, you must use the Sheriff's Department for service, and you must give them a copy of Form 4 when you deliver your documents for service. If you don't give them a copy at that time, you will be responsible for their service fees.

4. Pay any fee required to have your forms served.

5. When your forms have been served and all costs of service paid, the Sheriff or other process server will return the completed Form 5 or their own "proof of service", or "affidavit of service" which proves the other party or parties have been served.

6. Copy and file the proof of service with the Clerk of Court **before** the hearing date; leave one copy for the Family Court Comm'r, and keep one for yourself.

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## THE HEARING

### BE PROMPT FOR YOUR HEARING.

If you are not on time, your action will be dismissed. Hearings are occasionally moved to different rooms for the convenience of the court. Check the posted schedule. Do not assume your hearing will be held in the same room you were in last time you were in court.

### PROBLEMS WITH SERVICE.

If you followed the instructions for service and couldn't get the other party or parties served more than 5 business days before the hearing date, contact the Family Court Commissioner's Office. You may be able to get a new date. If you get a new date, Family Court Staff will provide you with a Notice of Hearing that must be served with your other forms. These must be served at least 5 business days before the new hearing date.

### RESPONSIBILITY FOR YOUR CASE.

You are your own attorney and must prepare your case. This means bringing all the necessary information to prove your case. Have all documents and witnesses available at the hearing. If you feel your hearing will take more than ½ hour, you must notify the Family Court Commissioner's Office in writing when you send in your forms to get a court date.

**CAUTION:** You are acting as your own attorney. If something goes wrong or you don't get the result you wanted, you cannot come back into court with an attorney to try again unless circumstances have changed.

If you don't use adequate effort to get service, don't notify the Court that you couldn't get service, or don't show up for your hearing, you may be required to post a bond before you will be given a new hearing date.

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## WE CANNOT GIVE YOU LEGAL ADVICE.

**IF YOU ARE UNSURE OF YOUR LEGAL RIGHTS, CONTACT A LAWYER**

**FORM 1**  
**INFORMATION SHEET**  
**PRINT NEATLY**

1. The caption of my original case is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The case number of my case is: \_\_\_\_\_

3. My name is: \_\_\_\_\_

4: My address is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. My telephone number is: (            ) \_\_\_\_\_

6. The other party's name is: \_\_\_\_\_

7. The other party's address is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. The other party's telephone number is (            ) \_\_\_\_\_

9. The Child Support Agency has been involved in my case in the past:     Yes     No



In the Matter of: \_\_\_\_\_

1. Petitioner: \_\_\_\_\_

**ORDER TO SHOW CAUSE**

and

2. Respondent: \_\_\_\_\_

3. File No. \_\_\_\_\_

4. TO: \_\_\_\_\_

**YOU ARE ORDERED TO APPEAR** before the Family Court Commissioner at the Green County Courthouse, 1016 16<sup>th</sup> Avenue, Monroe, Wisconsin, in the Room Number posted in the Courthouse,

at \_\_\_\_\_ (a.m./p.m.) on \_\_\_\_\_, 20\_\_\_\_\_, to show cause, if any, why an order should not be entered:

- Modifying prior orders of the Court
- Finding you in Contempt of Court for violating prior orders of the Court

as those orders relate to:

- Legal Custody
- Primary placement
- Secondary placement / visitation
- Payment of child support
- Payment of arrears
- Payment of medical expenses
- Objection to, or Permission for, removal of child from the state or more than 150 miles away
- Other \_\_\_\_\_

5.  **YOU ARE ORDERED** to bring the following documents with you on the hearing date and to have them available for inspection by the Court and the other party: \_\_\_\_\_

INFORMATION SET FORTH IN SEC. 767.081(2), WIS. STATS IS AVAILABLE UPON REQUEST FROM THE FAMILY COURT COMMISSIONER. THERE MAY BE A CHARGE FOR THIS INFORMATION.

**FAILURE TO APPEAR BEFORE THE COURT ON THE ABOVE DATE MAY RESULT IN AN ORDER FOR YOUR ARREST.**

**SERVICE OF THIS ORDER SHALL BE MADE 5 BUSINESS DAYS PRIOR TO THE HEARING.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Family Court Commissioner

Petition for Waiver of Filing and Service Fees - Affidavit of Indigency and Order

-VS-

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

Under oath I state that because of poverty, I am unable to pay the filing and service fees of this action, proceeding, or appeal, or to give security for those fees, and request waiver of those fees. I am attaching and incorporating into this affidavit a copy of my pleading in this matter.

Complete Section 1 if you receive aid from any of the programs listed.

Section 1. If you do not receive aid, complete Section 2 on page 2.

I currently receive: Supplemental security income, Food stamps, Benefits for veterans under §45.351(1) or 38 USC 501-562, Legal representation from a civil legal services program or a volunteer attorney program based on indigency. Name of program: Other means-tested public assistance: My financial situation has has not changed since I became eligible for this program. If you checked the "has" box, and such changes would make you ineligible for the program(s) if you applied today, you must complete Section 2 on page 2 of this form.

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

I understand that if my financial situation changes, I must notify the court immediately.

Notary Public/Court Official

Signature

Date

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

Address

COURT FINDINGS AND ORDER

- 1. This petition is GRANTED because the court finds the person is indigent. The action may be commenced without payment of filing fees. The sheriff shall serve all necessary documents without payment of service fees. If these fees are recovered, the amount shall be used to pay the filing and service fees waived by this order. Any request for waiver of any other fees or costs must be made to the court for consideration and decision.
2. This petition is DENIED because the court finds the petitioner not indigent but unable to pay the filing or service fees at this time. This action may be filed by the Clerk and all necessary documents may be served by the sheriff without prepayment of fees. Such fees must be paid no later than.
3. This petition is DENIED because the court finds: the petitioner is not indigent. allegation of poverty to be untrue. the petitioner has not stated a meritorious claim, defense, or appeal upon which the court may grant relief: (Brief explanation)

BY THE COURT:

Circuit Court Judge

Date

FORM 4, Page 1

Original: Clerk of Circuit Court

**Section 2.**

**Complete this section only if you do not qualify under Section 1, or if the instructions for that section require you to complete it.**

1. I  am  am not married.
2. I  am  am not employed. Name of employer: \_\_\_\_\_
3. I earn \$ \_\_\_\_\_ gross  weekly.  every 2 weeks.  twice monthly.  monthly.  
My take-home pay is \$ \_\_\_\_\_ per payperiod.
4. I receive monthly income totaling the amount of \$ \_\_\_\_\_ from:  
 Pension  Social security  Unemployment compensation  
 Disability  Student loans/grants  Other: \_\_\_\_\_
5. I have the following cash assets:  
 Savings accounts: \$ \_\_\_\_\_  Cash: \$ \_\_\_\_\_  
 Checking accounts: \$ \_\_\_\_\_  Money owed me: \$ \_\_\_\_\_
6. I have the following other assets:  
 Vehicle-Yr./Make: \_\_\_\_\_ \$ \_\_\_\_\_  Household furnishings: \$ \_\_\_\_\_  
 Vehicle-Yr./Make: \_\_\_\_\_ \$ \_\_\_\_\_  Equity in real estate: \$ \_\_\_\_\_  
 Other individual assets valued over \$200 each: \_\_\_\_\_ \$ \_\_\_\_\_
7. My household consists of myself and \_\_\_\_\_ others:  
Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No  
Full name: \_\_\_\_\_ Relationship to me: \_\_\_\_\_ Under age 18  Yes  No
8. The other members of my household have monthly income totaling the amount of \$ \_\_\_\_\_ from:  
 Wages  Social security  Relief funded under public assistance  Food stamps  
 Pension  Student loans/grants  Unemployment compensation  Supplemental security income  
 Disability  Relief funded under §59.53(21), Wisconsin Statutes  Support/maintenance  
 Other: \_\_\_\_\_
9. I have the following debts;                      Amount:                      Monthly Payment:  
a. Mortgage    \$ \_\_\_\_\_                      \_\_\_\_\_  
b. Auto loan    \$ \_\_\_\_\_                      \_\_\_\_\_  
c. Credit cards     \$ \_\_\_\_\_                      \_\_\_\_\_  
d. Other: \_\_\_\_\_                                     \$ \_\_\_\_\_                      \_\_\_\_\_  
\_\_\_\_\_    \$ \_\_\_\_\_                      \_\_\_\_\_
10. I have the following unusual expenses, other than ordinary living expenses:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

