

**ORDER TO SHOW CAUSE & AFFIDAVIT FOR FINDING OF CONTEMPT**  
**Forms FA-4172VA and FA-4172VB**

These forms are provided to help people who represent themselves when requesting the Court to order the other party to comply with provisions of a court order/judgment in a family or paternity case. Do not use these forms to request changes in court orders. Use the Motion to Change form (FA-4170V) 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 FORMS**

Type or print neatly. Read the instructions in the left margin of the form when completing it. There is no filing fee due to the Court for this court action, but you will need to hire the Sheriff's Department or a personal process server to accomplish service.

**The Order to Show Cause & Affidavit for Finding of Contempt is a two-part form, so please be sure to complete and submit both FA-4172VA (Affidavit) and FA-4172VB (Order to Show Cause).**

**STEP 2: OBTAIN A COURT DATE**

Take the completed forms 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 to the Court Commissioner Center to have the copies authenticated and to receive back the original form.

**NOTE:** If you are filing the documents via US mail, you must submit the original Order to Show Cause for Contempt forms plus the required **3 additional copies**. You must also include a **self-addressed, stamped envelope** large enough for the Court to return the original and 2 conformed copies to you. The Court will retain a copy, return the original to you for your records, and the other 2 copies will be for you to provide to the Sheriff's Department or process server as outlined in Step 3 below.

**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 filing 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 filing. You may deliver the forms 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 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 forms you filed in STEP 2. There is a \$40 charge for every service or attempted service, plus round-trip mileage 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 documents, you will be sent Proof of Service. **Bring the original and a copy of the Proof of Service to the hearing, or submit it beforehand.** If the party lives outside Dane County, call the Sheriff in the county where that person lives for service instructions.

**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, you may do an internet query of local process servers. Once the forms have been served, you will be sent a Proof of Service. **Bring the original and a copy of the Proof of Service to the hearing, or submit it beforehand.**

**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.