

**KEWAUNEE COUNTY - INSTRUCTIONS for “PRO SE”
MODIFICATION or ENFORCEMENT of a JUDGMENT**

NOTE: It is your responsibility to complete and distribute forms. The Court does not do this for you.

These forms are available at no cost on the Internet at www.wicourts.gov or from the Kewaunee County Clerk of Court.

There is a fee payable to the Clerk of Court for filing and to the Sheriff for service on the other party. In an action to modify a Judgment for child support or maintenance, the filing fee is \$30.00. In an action to modify a Judgment for legal custody or physical placement, the filing fee is \$50.00, unless both parties have stipulated to the revision. There is no fee in an action to enforce a Judgment. If you cannot afford the fees, a *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order* (Form CV-410) is available from the Clerk of Court. However, you must complete the *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order* (Form CV-410) before obtaining a hearing date.

1. Select and complete the proper forms.

Modification.

- a. Complete and sign the *Notice of Motion and Motion* (Form FA-4170V).
- b. Complete the *Affidavit of Mailing* (Form FA-4121 Pro Se).
- c. As an alternative to the *Notice of Motion and Motion*, you may choose to use the *Order to Show Cause and Affidavit* (Form FA-4171V).

Enforcement.

- a. Complete and sign the *Order to Show Cause and Affidavit for Finding of Contempt* (Form FA-4172V).

For Modification or Enforcement actions:

- a. List the case number and the name of the Petitioner and Respondent **EXACTLY** as shown on your original court documents (available from your records or the Clerk of Court).
- b. Sign the Affidavit **IN THE PRESENCE OF A NOTARY PUBLIC**.

2. Take your signed forms to the office of the Clerk of Court at the Kewaunee County Courthouse, 613 Dodge Street, Kewaunee, Wisconsin.

- a. Obtain a court hearing date and time.
- b. If the forms are completed correctly, the *Order to Show Cause* should then be signed by either the Family Court Commissioner or the Circuit Court Judge. The Family Court Commissioner’s office is located at 510 Main Street in Kewaunee, and you should ask to speak to the Family Court Commissioner’s secretary. The Circuit Court Judge’s office is located in the Kewaunee County Courthouse, 613 Dodge Street, Kewaunee, Wisconsin, and you should ask to speak to the Judicial Assistant.
- c. If you are using the *Notice of Motion and Motion* (Form FA-4170V) to modify a prior Order, you do not need to have it signed by the Family Court Commissioner or the Circuit Court Judge, but you will have to complete and file an *Affidavit of Mailing* (Form FA-4121 Pro Se).
- d. If you are using a *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order* (Form CV-410) to waive the fees, it must be presented at this time for approval and signature by the Family Court Commissioner or the Circuit Court Judge.
- e. You should then make five (5) copies of each of the signed forms.

3. File the signed forms with the Clerk of Court at the Kewaunee County Courthouse.

- a. Take the originals and five (5) copies of each of the signed forms.
- b. The applicable filing fee is payable now unless you have a signed *Affidavit of Indigency and Order* (Form CV-410).

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Use only for Kewaunee County, Wisconsin.

- c. The originals will be retained by the Clerk of Court and the authenticated copies will be returned to you.
4. Have authenticated copies served on the following:
 - a. Family Court Commissioner, 510 Main Street, Kewaunee, Wisconsin (can be delivered by you).
 - b. Child Support Agency in the Kewaunee County Courthouse (can be delivered by you).
 - c. The other party. ***SERVICE ON THE OTHER PARTY MUST BE DONE BY A SHERIFF OR PROCESS SERVER IF YOU HAVE A SIGNED ORDER TO SHOW CAUSE.*** Take two (2) sets of authenticated copies to the Sheriff's Department of the county in which the party being served resides (or contact a private process server) and ask to have the papers served on the other party. The Sheriff's Department or Process Server will charge a fee plus mileage for this service. (The Sheriff's Department will not charge for this service if you have a signed *Petition for Waiver of Fees and Costs - Affidavit of Indigency and Order.*) Ask for a *Certificate of Service* or *Affidavit of Service*.
 - d. If you are using a *Notice of Motion and Motion* (Form FA-4170V) instead of personal service by the Sheriff or Process Server, you may mail an authenticated copy of the *Notice of Motion and Motion* (Form FA-4170V) to the other party, along with a copy of the completed *Affidavit of Mailing* (Form FA-4121 Pro Se). File the completed *Affidavit of Mailing* (Form FA-4121 Pro Se) with the Clerk of Court as soon as you have mailed the forms to the other party.
 5. On the day of the hearing, be on time, and:
 - a. If the issue is child support or payment of arrearages, bring the original and three (3) copies of a completed *Income & Expense Statement* (Form FA-4138 Pro Se) to the hearing.
 - b. Bring the original of the *Certificate of Service* or *Affidavit of Service* you obtained from the Sheriff's Department or Process Server.
 - c. If the other party fails to appear, you may need to complete and file an *Affidavit of Nonmilitary Service* (Form GF-175).
 - d. Be prepared to show your change of circumstances. If you are going to submit any documents, bring at least two (2) copies.
 - e. ***YOU*** will have to complete either the *Decision & Order on Motion or Order to Show Cause* (Form FA-4175V) or the *Decision & Order for Contempt* (Form FA-4176V) after the Judge makes a decision at the hearing. After the hearing, give the completed *Decision & Order* to the Clerk of Court who will give it to the Judge for signature. If you give the Clerk of Court a self-addressed stamped envelope for yourself and for the other party, a copy of the signed *Decision & Order* will be mailed to each of you.

These instructions are issued to inform and not to advise.
No person should ever apply or interpret any law without the aid
of an attorney who knows the facts,
because the facts may change the application of the law.