

Arrears Order to Show Cause

Use these forms to inform the court, the other party, and the State (if a party) that you are requesting a court hearing because you and the other party cannot reach an agreement regarding arrears for child support, maintenance, family support, or other debts. The party filling out the **Affidavit Regarding Arrears** can ask that the court make an order to credit direct payments between the parties, change the arrearage balances, or start a payment plan on arrears.

If you are bringing more than one issue to the court's attention, use only one (1) **Order to Show Cause** form, but you must attach all the **Affidavits** that are specific to your case. You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as the Court's staff cannot give legal advice.

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Procedural Checklist

1. Complete an **Order to Show Cause** and the **Affidavit Regarding Arrears**, make three copies (4 if the Child Support Agency is a party to the action).
2. Go to the Family Court Office, Room 109, to pay the filing fees, if required (refer to fee schedules).
3. The Court Commissioner has up to 48 hours to review and sign the Order to Show Cause after which it will be scheduled for a hearing and then the paperwork will be ready for you to pick up. You can call the Family Court Office at (262)653-2454 to see if the paperwork is ready, however a clerk will call you when it is ready.
4. After filing the forms, you must make arrangements to have one of the date stamped copies served on the other party. **Deadline:** The other party and the Child Support Agency (if a party) must be served with the forms **no later than five (5) days before the date of the hearing**.
5. You **MUST** file the original proof of service on or before the date of your hearing (**Affidavit of Service** or **Admission of Service**) in the Family Court Office (Courthouse, Room 109). This proves that you served the **Order to Show Cause and Affidavit** on the other party, and the Child Support Agency, if it is a party. Keep one copy for your records.

6. Go to court and take the original and two (2) copies of your completed, signed, and dated **Financial Disclosure Form** and any other documentation required.
7. The court will state a ruling to you. Take notes because you must be able to write the ruling in a specific format upon request.
8. At the end of your court hearing, complete the **Arrears Order**.
9. The court will enter the order and distribute copies to the parties while you are still in court.

Forms

Order To Show Cause:	This form will order the other party into court on a specific date.
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1. Complete the caption (top portion) of the **Order to Show Cause** the same way it appears in your original Divorce or Paternity papers.
 - Mark an **X** in the box to indicate if this matter is in relation to a Marriage or a Paternity. If Paternity, write the initials of the child.
 - Write the first name, middle initial, and last names of the parties in the same order in which it was completed in your original Divorce or Paternity papers.
 - Call the Child Support Division at (262) 697-4500 to determine if the State of Wisconsin is a party to this case. Mark only one box with an **X** to report if the State is a party to the case or not.
 - Write in your case number.
2. Write the other party's name in the paragraph entitled **It is Ordered**.
3. Leave the portion blank below the section entitled **It is Ordered** - the court will complete this portion.
4. Mark an **X** in the box of the last paragraph to indicate whether this matter is related to financial matters or not.

Affidavit Regarding Arrears:	This form is used to explain if you want the court to decide arrears by ordering direct payments between the parties, changing the arrearage balances, or starting a payment plan on arrears.
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1. Complete the caption (top portion) of the **Affidavit Regarding Arrears** the same way you completed it on the **Order to Show Cause**.

2. You are the party making the request. Write your name on the first line.
3. **Paragraph 1:** Indicate with an **X** which party you are in the action.
4. **Paragraph 2:** Write the file date of the court order or judgment that requires the support payment to be made and indicate which party was ordered to pay the support.
5. **Paragraph 3:** Mark only **A** or **B**. Mark **A** with an **X** if you have made a payment directly to the other party and would like to request credit for it; also write the amount of the direct payment you would like credit for (if other, write the kind of arrears for which you are seeking credit). Mark **B** with an **X** if you would like to change the amount of arrears you owe; also write the amount to which you are requesting that the new arrears balance be set (if other, write the kind of arrears for which you are seeking credit). If you marked **B**, you also need to list the reasons for which you are seeking this change. Attach a copy of supporting documents or additional sheets if necessary.
6. **Paragraph 4:** Write the date on which you are requesting the payer to begin making payments and the amount that he/she should pay every month.
7. **Signature:** Do not sign this Affidavit until you are in the presence of a Notary Public. **You must bring a photo ID.**

Arrears Order:	This form makes a formal, enforceable record of what happened during the court hearing upon approval of the court. Without the court official's signature, there is no record of the orders or decisions made in court, and the court cannot, therefore, enforce the decision made by the judge/commissioner.
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1. Complete the caption (top portion) of the **Arrears Order** the same way you completed it on the **Order to Show Cause**.

I. HEARING

2. **Paragraph 1:** Write the name of the judge or commissioner who heard your case.

3. **Paragraph 3:** List the date of the hearing.

II. APPEARANCES

4. **Paragraph 1:** Mark if the Petitioner/Joint Petitioner appeared in person or not, and whether he/she was self-represented or represented by an attorney. If an attorney was present on his/her behalf, list the attorney's firm name, and the attorney's name.

5. **Paragraph 2:** Mark if the Respondent/Joint Petitioner appeared in person or not, and whether he/she represented himself/herself. If an attorney was present on his/her behalf, list the attorney's firm name, and the attorney's name.

6. **Paragraph 3:** If an attorney for the State of Wisconsin appeared, write in the attorney's name.

7. **Paragraph 4:** List all other persons that appeared in court on either party's behalf.

III. FINDINGS and ORDER

8. **Paragraph A and B:** Mark only **A** or **B**. Mark **A** with an **X** if the court made an order regarding Direct Payments. If so, mark with an **X** if the court denied or approved the request. Write the amount of the direct payment for which the court has given that party credit. Mark **B** with an **X** if the court has made an order regarding Arrears Balances. If so, mark with an **X** if the court denied or approved the request and state the reasons. Write the amount to which the court has ordered that the new arrears balance be set and the date the changes will take effect.

9. **Paragraph C:** Write the date on which the court has ordered the payer to begin making arrears payments and the amount that the payer has been ordered to pay every month. Include the employment information for the payer.

10. **Paragraph D:** Write in all other Findings and/or Orders made by the court.

11. **Signatures:** The court official who heard the case will sign the **Arrears**.