

**ORDER TO SHOW CAUSE & AFFIDAVIT FOR TEMPORARY ORDER
WITH MINOR CHILDREN
FORMS FA-4128VA and FA-4128VB**

These forms may be used if you are seeking a court order to resolve various issues such as asset allocation, debt payments, child custody and support, maintenance payments, and similar matters while the court case is pending.

STEP 1: STUDY THESE INSTRUCTIONS & FILL OUT THE ORDER TO SHOW CAUSE AND AFFIDAVIT FORMS

Type or print neatly. Read the instructions in the left margin of the form when completing it. There is no filing fee for this court action.

The Order to Show Cause & Affidavit for Temporary Order is a two-part form, so please be sure to complete and submit both FA-4128VA (Affidavit) and FA-4128VB (Order to Show Cause).

STEP 2: COPIES

After the forms are completed, make an additional 3 copies. A photocopy machine is available for a small fee in the Dane County Law Library located in Room L1007 of the Dane County Courthouse.

STEP 3: OBTAIN A COURT DATE

Take the completed forms and copies 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.

NOTE: If you are filing the documents via US mail, you must submit the original Order to Show Cause and Affidavit 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 4 below.

STEP 4: SERVE THE FORM

The other party must be personally served. If the other party has an attorney, you must provide a copy of the filing to the attorney. If either party has or is receiving public assistance for the child(ren), the Dane County Child Support Agency, 210 Martin Luther King Jr. Blvd Room 365 (City-County Building), Madison WI 53703, must also be provided 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 3. 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.** 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, look in the yellow pages under "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.**

STEP 5: COMPLETE YOUR FINANCIAL DISCLOSURE STATEMENT AND 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, or it has not already been filed with the Court, the hearing will not proceed. Both parties shall also complete a Financial Disclosure Statement (form FA-4139V) prior to the court date, and bring the original and two additional copies (copy for the Court, and copy to provide other party) to the court hearing. Present your case to the Court Commissioner.