

**Pro Se Proceedings
In Family Matters**

(These fillable forms are available on line at: <https://www.wicourts.gov/forms1/circuit/index.htm>)

STEP 1: Specify What You Want

• **CHANGE (Modify) AN EXISTING JUDGMENT:**

	Filing Fee
Change Level of Child/Family Support Form Numbers: FA-4170, FA-4139	\$30.00
Change Level of Maintenance (Alimony) Form Numbers: FA-4170, FA-4139	\$30.00
Add Medical Expense Provision to Judgment Form Numbers: FA-4170, FA-4139	\$30.00
Add/Change Tax Provision (Exemptions, etc) Form Numbers: FA-4170, FA-4139	\$30.00
Change Custody of Child (Children) Form Numbers: FA-4170, FA-4134	\$50.00
Change the Placement (Visitation) Schedule Form Numbers: FA-4170, FA-4134	\$50.00

• **ENFORCE AN EXISTING JUDGMENT:**

	Filing Fee
Enforcement of Existing Judgment: -Failure to Return from Placement -Failure to Pay Child Support -Failure to Pay Maintenance (Alimony) -Failure to Pay Medical Expenses -Failure to Allow Use of Tax Exemptions/Child Credit -Failure to Pay Property Division Payment or Return of Property Form Numbers: FA-4172VA, FA-4172VB	No Filing Fee Service Fees Still Apply
Enforcement of Physical Placement Form Number: FA-609	No Filing Fee Service Fees Still Apply

• **AGREEMENT BETWEEN PARTIES:**

If parties are stipulating to change something in their court order, they can file a stipulation with the court. There is no filing fee. Once filed, it will be forwarded to the court for approval and copies will be sent to parties if addresses are supplied. The form numbers are FA-604A and FA-604B -**Stipulation and Order to Amend Judgment for Support/Maintenance/Custody/ Placement** which is available on the [Circuit Court Forms Site](#) and in the Clerk of Courts Office.

STEP 2: Fill Out The Documents

1. Complete the forms for what you are looking to change. This gives the court and the other party the necessary information about your problem and what you want done.
2. When your forms are completed, return to the Clerk of Court's office and pay the appropriate filing fee.
3. You will be directed to go to the judicial assistant for the judge handling your case who will assign a date and time for a hearing. They will add this information to the form.
4. Return to the Clerk of Courts office with your paperwork to file the original document. Authenticated copies will be made for your records and for service on the other party.

STEP 3: Serve Documents On The Other Party

1. You can take your authenticated copies to a process server** or to the Sheriff's Department. The Sheriff's Department requires a \$75.00 fee for the service for three service attempts and mileage. **Process servers can be found in the yellow pages under "Investigators" or "Process Servers".
2. After that individual has been served by a process server or Sheriff, you will receive a "Proof of Service" from them. File this "Proof of Service" with the Clerk of Courts office prior to your hearing to show that you gave proper notice to the other party.

STEP 4: Show Up At The Hearing - YOU ARE THE PARTY WITH THE BURDEN OF PROOF. If you do not show up with your evidence, the motion will be dismissed.

THE CLERK'S OFFICE CANNOT GIVE YOU LEGAL ADVICE. These forms cannot replace the advice and services of an experienced attorney. These forms may help you start the action, but they will not help you in the presentation of evidence necessary to meet your burden of proof. An attorney will know what evidence you need, how to collect it and how to present it in court to make it admissible evidence. You are encouraged to have an attorney. You might be able to obtain legal advice by calling
The State Bar Lawyer Referral Service of Wisconsin 1-800-362-9082.

GENERAL INSTRUCTIONS

1. The "Petitioner" is the person who filed the original divorce or paternity action.
2. The "Respondent" is the person against whom the original petition was filed.
3. The "Case Number" is the Marathon County Case Number given to your original divorce or paternity proceedings.
4. **Print Clearly and Legibly.** Both the other party and the court must be able to read it. The original document will go in your court file. Two copies will be given to you to serve each party, and one for your record.
5. If the Child Support Agency is involved, they will also have to be served with any documents that concern changing or enforcing child or family support.
6. You will have to pay the filing and service fees. If you are found indigent, those fees may be waived by the court. If you think this applies to you, discuss it with the clerk.

ACTIONS CONCERNING CUSTODY or PLACEMENT

1. If these issues were before the court within the last two years, you will have an exceedingly high burden of proof. This is because the best interest of the children favors stability in these decisions and hence change within two years is discouraged by law.
2. Unless mediation occurred within the last two years, these actions will be referred to mediation to see if you can work out the differences.
3. Whether parties have an attorney or not, if mediation is unsuccessful an attorney must be appointed as guardian ad litem to represent the children. Each parent is required to pay a \$1,000.00 deposit to appoint a guardian ad litem. It is required that the moving party pay their share of this deposit, or make payment arrangements with the collections specialist, to proceed with the action. If not paid as ordered, the motion may be dismissed.
4. Changing custody is especially difficult, with different factors and burdens depending upon the length of time from the last custody determination. Therefore, an attorney is strongly recommended in these types of actions.

ACTIONS REGARDING UNINSURED MEDICAL & DENTAL EXPENSES

1. You will need to prepare a chart which shows the uninsured medical expenses you are seeking with an itemization of the amount that the other parent owes.
2. Give a copy of the chart to the other parent. See if a repayment schedule can be agreed to. If the other parent wants copies of the bills, provide them.
3. If you cannot agree or the payments are not made, you can just attach this chart to the affidavit when you commence the action.
4. At the time of the hearing, you will need the medical/dental bills that back up your statement. It is the medical/dental bills that must be introduced into evidence at a contested hearing.
5. For uninsured orthodontia expenses, it is usually best to modify the judgment regarding the payment before the work is started. Often the necessity of the expense may be an issue. If you incur the expense and the court later determines that it was not necessary, you will have to pay the entire bill yourself.