

## Order to Show Cause for Temporary Order Pre-Judgment (with minor children)

(Obtain the State forms at <https://www.wicourts.gov> > forms > Circuit Court > Family  
Or you may purchase packet at Clerk of Court Office for \$4.00)

**NOTE: Do not use this form if there is an AGREEMENT for a Temporary Order.** Instead, complete, sign, and file a written agreement referred to as a Stipulation for Temporary Order with Minor Children. The form required is available here: Form [FA-4126VA](#)

If the parties are not in agreement, and a party wants a Temporary Order on issues (financial, property, child support, custody, placement) until the final hearing, follow these steps:

### **This packet includes the following forms:**

1. Affidavit to Show Cause Request for Hearing for Temporary Order... Form [FA-4128VA](#)
2. Order to Show Cause, Form [FA-4128VB](#)
3. Financial Disclosure Statement, Form [FA-4139V](#)

**Step 1:** Complete forms [FA-4128VA](#) and [FA-4128VB](#), take to Family Court Commissioner before filing to get court date)

**Step 2:** File original and 2 copies with Clerk of Courts Office

**Step 3:** You must serve a copy of the above documents on the other party and file proof of service with the Clerk of Court. A Service information Packet may be obtained at the Clerk of Court's Office (Form [FA-5000V](#)) or see back of this sheet.

**Step 4:** File the proof of service with the Clerk of Courts Office. You must file proof of service in order to proceed to a hearing.

**Step 5:** Both parties must appear at scheduled hearing, at which a temporary order may be entered, mediation may be ordered, or a guardian ad litem may be appointed.

### **Custody and/or Placement Disputes:**

**Mediation** is an option parties may use to try to come to an agreement with the help of an impartial third party, outside of the courtroom. A neutral mediator helps the parents in discussing contested issues and alternatives to resolve the dispute. The mediator will not force parents to reach an agreement and is not an advocate for either parent. The focus in mediation is on creative problem solving rather than proving a legal case.

At any time during a pending divorce/legal separation, one or both parties may file a written request for voluntary mediation to try to reach an agreement on custody and placement. This is considered voluntary mediation.

After a party files an Order to Show Cause for a Temporary Order, if custody and placement are in dispute, most parties will be referred for mandatory mediation.

The first mediation session is free, however, once you have used the first session there may be an additional fee.

**NOTICE:** COURT PERSONNEL **CANNOT PROVIDE YOU WITH LEGAL ADVICE.** IF YOU HAVE ANY FURTHER QUESTIONS REGARDING ANY ISSUES RELATING TO THE FILING OF THIS MOTION, PLEASE CONTACT A PRIVATE ATTORNEY.

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## Personal Service:

The other party must be personally served by one of the following ways:

### 1. Admission of Service for the other party.

You may give the documents to the other party and ask that he/she voluntarily accept the papers from you. If the other party agrees to accept the documents, you need to:

- Complete the caption of the Admission of Service form [FA-4119V](#)
- Have him/her complete form with date and which forms received, and sign the bottom
- File the Admission of Service form as soon as possible with the Clerk of Courts. Keep a copy for your records.

**If the other party will not voluntarily accept the papers from you, or you do not wish to have contact with the other party, you must have the other party served using one of the other methods described below.**

### 2. Sheriff's Department.

The Sheriff's Department of the County in which the individual to be served resides may serve the other party. Proof of service must be filed with the Clerk of Court as soon as possible. Keep a copy for your records.

### 3. Private Process Server.

You may make arrangements with a private process server to have the other party personally served. Contact individual companies for fees and procedural information. Proof of service will be sent to you, which you must file with the Clerk of Court as soon as possible.