

New (DeNovo) Hearing

Motion for and Notice of New (DeNovo) Hearing (FA-4130) is the form to file when you want a judge to review a decision that was made by a Circuit Court Commissioner because you disagree with what the Circuit Court Commissioner decided. Either party may request a New (DeNovo) Hearing, but the request must be made within time limits set by the court in your county. There is **no fee to file** a Motion for and Notice of New (DeNovo) Hearing.

Procedural Checklist

1. Complete the **Motion for and Notice of New (DeNovo) Hearing** form.
2. If you have a copy of the **signed** Order, attach it to the form.
3. Make three (3) additional copies of the completed original **Motion for and Notice of New (DeNovo) Hearing** form, four (4) if the State of Wisconsin (Child Support Agency) is a party.
4. The court will set a court date, keep the original for the court file, and return the remaining copies to you.
5. **Notifying the Other Party:**
 - **Contempt Hearing:** The other party(s) must be personally served. For information on the ways to have the other party served, see the **Service Packet**.
 - **All other Hearings:** You may mail a copy of the completed form to the other party and if necessary the State of Wisconsin (Child Support Agency).
6. After you have properly served the other party, you **MUST**, on or before the date of your hearing, **complete** and **file** Proof of Service (**Admission of Service, Affidavit of Service or Affidavit of Mailing**). If you do not provide Proof of Service and the other party does not appear, the court may reschedule the hearing or dismiss the request.

Note: If you want the court to cancel or reschedule your court hearing, you must make a written request to the court and notify all parties (including the Child Support Agency) in writing of your request. You must also notify the party(s) in writing of the court's decision, and if rescheduled, include the date and time of the new hearing. Also send a copy of this notice to the court to verify the change.

7. Take the following with you to the New (DeNovo) Hearing:
 - A copy of the proof of service.
 - The original and two copies of your completed, dated, and signed **Financial Disclosure Statement** (FA-4139), if required.
 - Any other documents you think may help you make your case to the court. If you wish to offer written evidence or documents to the court, be sure you have the original for the court, a copy for yourself, and a copy for the other party(s). If you wish to have other people testify for you, make sure they come to court in person. A letter from them is not acceptable.

8. Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know on which case you are appearing.

9. When your case is called, go to the front of the room and sit where directed by the court clerk or bailiff. Take all your papers and documents with you.

10. Present your case to the judge as directed. Be prepared to state your side of each issue clearly and completely. Be prepared to answer questions that may be asked of you by the judge or by the other party. Use the copy of the decision that is to be reviewed as an outline to follow while you are in court to be sure you remember each issue you want to raise.

11. The judge will state his/her decisions/rulings to you. Take notes because you may be required to write the ruling in a specific format on a form called **Decision and Order** (FA-4175 or FA-4176). The judge may also set a review hearing for you to return to court.

