

# Instructions for Completion and Submission of: Order to Show Cause and Affidavit to Change

Filing Fee: \$50 for motions relating to custody & placement  
\$30 for all other motions

## Procedure Checklist

- Complete** FA-4171VA Affidavit to show cause and to change and FA-4171VB Order to Show Cause
  - **Complete** the form by following the instructions on the left side of the form. Be sure to include your Eau Claire County case number
  - If not already done, **Complete** the Order to Show Cause portion as follows:
    - Before: **Family Court Commissioner**
    - Location: **Hearing by Zoom – see attached Instructions for How to Appear Remotely**
  - **Call** the Court Commissioner’s Judicial Assistant at 715-839-6029 to obtain a date and time for hearing and write this information where designated
  - **Complete** pages 1-3 of the 3-page form being sure to state the facts explaining the substantial change in circumstances as indicated on page 3 number 4.
  - Do not sign the document until you are sworn by a Notary Public, which can be found at your local financial institution, law office, government office, etc. This can be done at the Clerk of Courts, provided you bring a photo ID.
- Make 2 copies** of the document and attachments, if any. **3 copies are needed if Child Support is a party to the case.**
- Bring** Original and copies to Clerk of Courts along with the correct filing fee, as indicated above, in the form of cash, debit/credit card, or check or money order payable to Clerk of Court. (Complete form CV-410 Petition for Waiver of Fees and Costs if requesting waiver of filing fee.)
- You must also provide** the clerk with a self-addressed stamped envelope so your copies can be returned to you once the Court Official has signed the Order.

The Clerk will do the following:

  - Receipt your filing fee.
  - Obtain a Court Official signature where indicated on the Order document.
  - File stamp all three copies, keep the original, and mail the two copies to you (one for service and one for your records).
- Have papers served** on the opposing party
  - You are required to have the other party **personally** served with these papers and to file a **Proof of service** document with the Clerk of Courts as soon as possible. See [Personal](#) Service on the Clerk of Court website or Form FA-5000 on [wicourts.gov](http://wicourts.gov) for your service options.
- File Proof of Service** document with the Clerk of Courts
- Attend** hearing
  - The hearing will be held remotely by Zoom.
  - You must call in or log on at least 5 minutes prior to the time hearing time
  - The hearing is scheduled for 30 minutes only
  - What can I expect to occur at the hearing?
    - The court will direct the hearing if the parties are appearing without counsel.
    - The court will give both parties an opportunity to speak at the hearing.
    - The court will attempt to see if the parties can agree on a mutual placement order.
    - If the parties can not agree, the court may issue a **temporary** placement order plus order the parties to attend TRY Mediation in an attempt to resolve their issues.
    - If the parties are unable to reach an agreement after mediation, the court may order the appointment of a Guardian Ad Litem (GAL).

- What is a Guardian Ad Litem (GAL) and how does that work?
  - A GAL is an Attorney appointed to represent the best interest of your minor child. They may negotiate settlements, conduct formal and informal discovery, hire experts, interview witnesses, investigate incidents of battery or domestic abuse, comment on parenting plans filed by the parties or recommend to the court any proposed settlement by the parties.
  - There will be a retainer fee of \$750 for each of the parties.
  - The fee must be paid up-front to the Clerk of Court Office. Any monies not expended by GAL in issuing a report will be returned to the parties after the parties have reached an agreement or after a court hearing resulting in a court order.
  - If the GAL feels that the issues warrant further investigation, the GAL may request additional fees to fund AODA assessments, Custody studies, and/or psychological evaluation of one or both of the parties.
  - The court will order the GAL to issue a report, with recommendations to the parties and to the court.
  - If the parties do not accept the GAL recommendations, the court will set the matter for a final hearing.

Court staff may not provide legal advice or recommend a specific course of action for an individual. (Supreme Court Rule 70.41)

All numbered forms referenced can be found at [www.wicourts.gov](http://www.wicourts.gov) under forms → circuit court → family → view all family forms

See the Clerk of Courts website for further information at: <http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>