

Pro-Se Litigants

Information for Unrepresented Litigants in Post-Judgment Cases

Improper Communication with the Court.

The Court occasionally receives letters from unrepresented litigants regarding enforcement or modification of divorce judgments. These letters usually constitute improper unilateral communications with the Court. They often ask the Court for “help” - either in the form of legal advice or resolution of some ongoing problem.

Legal Advice.

Neither the Judge nor the Clerk of Court’s staff can provide legal advice or make a direct referral for legal services. *Divorce judgment enforcement and modification issues can **never** be resolved based upon a letter from one party.*

Custody/Physical Placement or Child Support Disputes.

If the parties are experiencing child custody or placement problems that they are unable to resolve on their own, or they wish to change the financial orders and they cannot agree on the changes, they must file a proper motion or pleading. ***The motion must be filed with the Court and duly served on the other party.***

File a motion to change the judgment of divorce or paternity.

If you wish to change the language of your judgment, (either to modify the custody, placement, child support or other terms) and you cannot agree, you must file a motion. There is a \$50.00 filing fee for motions to change custody or placement and a \$30.00 fee to file motions to change financial or other non-custody/placement issues.

- a. When a motion to change custody and or physical placement is filed the parties will be referred to mediation to attempt to resolve the issue prior to court involvement.***
- b. If mediation is not successful, the court is required to appoint a Guardian Ad Litem -an attorney to represent the best interest of the child(ren). The party filing the motion will be required to post a deposit for the GAL, usually \$1000.00. Following a contested custody trial, the Court will make a final determination as to who is responsible to pay the bill for the GAL. The court may divide the bill equally, unequally, or order one party to pay the entire bill.***

Good Faith Requirement.

Good faith mediations - where the parties put the best interests of the children before their own interests - is preferable to expensive and time consuming litigation. *Parties who take*

unreasonable positions in mediation or litigation can be required by the Court to pay all of the fees for the GAL, the experts and both attorneys.

File a motion for contempt.

A contempt motion is filed when there is an existing order and it is not being followed by the other party. There is no filing fee to file contempt motions, however the other party must be served and the Sheriff's Department may charge a fee for service.

Legal Representation.

If the parties have a dispute which they cannot resolve on their own, retaining an attorney is recommended. Although the Crawford County Child Support Agency can assist with *some* child support problems, they are not involved in any custody or placement disputes. Attempts at self-representation are often frustrating, unproductive, and ultimately more expensive. Attorneys are often able to negotiate a settlement which the parties cannot achieve on their own.

Stipulations.

If the parties wish to change the language of their judgment and they *can agree* to the changes, they can file a stipulation with the court. Stipulations must be signed by both parties and filed with the Clerk of Court. Most stipulations are approved by the Judge. If the changes requested involve financial issues, such as child support or arrearage payments and the Child Support Agency is involved in their case, they must have the Agency approve the stipulation before submitting it to the court.

Click here to visit the Wisconsin Courts Self-representation page for more information.
<http://wicourts.gov/services/public/prose.htm>

Click here to visit the Wisconsin Self-help page for more information.
<http://wicourts.gov/services/public/selfhelp/index.htm>

If You Are Unable To Complete The Pleading Without Assistance - You Must Hire An Attorney.

THE CLERK OF CIRCUIT COURT AND STAFF ARE NOT ALLOWED TO GIVE LEGAL ADVICE.