

# What timeline should I expect?

## Timeline

### **Landlord Files for an Eviction Hearing in Small Claims Court**

The landlord will pay the filing fee at this time, but if you lose the case, you may be required to pay the fee as part of the judgment. Once eviction is filed, you will have an eviction case on your record.

### **Receive the Summons and Complaint (within 25 days of the date the landlord filed the eviction)**

The Summons and Complaint will likely be delivered by a sheriff deputy or civil process server no later than five days before the court date. This is what is referred to as being “served”. Some county court clerks allow this to be done by mail. If so, it must be sent to each defendant by certified mail. The court date is sometimes referred to as an “initial hearing” or a “joinder conference”.

**IMPORTANT:** You must appear in court on the date listed on the Summons and Complaint or else you will be evicted. If your landlord promised they would stop the case against you, call the court clerk to double-check that they have noted this and canceled the hearing. If the clerk doesn't have it on record, even if your landlord insists they've dropped it, go to the hearing and tell the court about what your landlord promised you.

## Initial Hearing

- This hearing is intended to find out if it is possible to settle the case without going to trial.
- If you plan to fight the eviction, make sure you bring a list of reasons (laws) that prove you shouldn't be evicted. You won't have to actually prove your case, but you will have to have adequate evidence. If the judge believes the laws you put forth give you "valid legal grounds", you may be able to schedule a full trial with a judge.
- If you and the landlord are unable to agree or you feel that going in front of a judge would serve your best interest, you can request to schedule a trial with a judge. As discussed in the previous point, scheduling a trial requires that the initial hearing judge believes that the arguments you made are valid legal grounds to present in a trial.
  - If you are given a trial date, you can ask for it to be a jury trial.

## **Trial (if needed, scheduled within 30 days of the initial hearing.)**

**Note:** neither side is required to have an attorney, but you might want one. An attorney can help you write court documents without appearing at the trial. However, the documents must state that they were written with the help of a lawyer.

## **Settlement**

If you and the landlord are willing to agree on how to move forward (by creating a payment plan or move-out date), you can settle the case. This is a documented agreement called a stipulated dismissal that both you and the landlord will sign.

As long as you don't break any of the agreements made in the stipulated dismissal, you will not be evicted. For this reason, it is important that you only sign an agreement you can follow.

**Don't make any promises you can't keep!** If you miss a payment or don't move out on time, you **can be evicted without returning to court.** If you don't follow the agreement, the landlord can tell the court, and then a sheriff will come to evict

you from the rental property.

## **Emergency Assistance**

Low-income tenants who qualify for Emergency Assistance grants can receive aid to pay back rent and avoid eviction. If you have already gone to court for an eviction case but the judge has yet to order an eviction, you can receive a “stay” of up to ten days by letting the court know that you have qualified for Emergency Assistance. This means that the case will be put on hold for ten days. This can give you a chance to fix the issue before the judge makes a decision.

If you have just applied for emergency assistance, inform the court, and the judge may decide to hold off on making a decision until you receive a final decision for emergency assistance.

### **How do I know if I qualify for Emergency Assistance?**

1. You must be a parent or a relative caring for a child younger than 18;

AND

2. Your income must be at or below 115% of the Federal Poverty Level and you have limited assets.

If you are unsure if you qualify, you can use the [ACCESS website](#) to anonymously see if you qualify without actually applying.

### **How do I apply?**

If you believe you qualify for emergency assistance, you can apply online through the [ACCESS Wisconsin](#) website or in person at your [local W-2 Agency](#).

If applying in-person, see the [What to Bring with You](#) brochure before you go.

## What do I do once I qualify?

You need to let the court know that you qualified so that they know to hold off on making a decision for ten days. You should use these ten days and the aid you received to pay back your rent or fix any issues that are causing you to be evicted.

## What if I am denied?

You can request a Fact Finding Review if you disagree with the agency's qualification decision. Contact your local W-2 Agency within 45 days of the date you received your denial decision and tell them you would like a Fact Finding Review.

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[Procedure Eviction Housing](#)

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