

What happens if I miss my court date?

If you are the landlord and you or your agent miss an eviction court date in Wisconsin, the tenant may be able to get the eviction case dismissed. If you still want to go ahead with an eviction, you will need to restart the process.

If you are a tenant and you miss your eviction court date in Wisconsin, the court will usually issue what's called a default judgment against you. A default judgment means the landlord has won. At this point, there may still be a step you can take, depending on why you missed the court date.

If you missed the court date for a reason that the court considers "good cause", then you can file a [Motion to Reopen Small Claims Judgment](#) and [Order](#) within one year of the judgment date.

What the court considers "good cause" may depend on the judge. Generally courts expect communication from you if you can't make a hearing. If your car breaks down on the way to the hearing, you will be expected to call the court immediately and let them know why you can't attend the hearing and that you are requesting that the hearing be rescheduled. So a reason like "my car broke down on the day of the hearing" may not be considered good cause unless your phone happened to break at the same time.

If you didn't attend the hearing because you never received the mailed summons and complaint notifying you of the date of the hearing, file a [Petition to Answer or to Reopen Small Claims Action with Mail Service](#) and [Order](#) instead of the Motion to Reopen and Order mentioned above. Like the Motion to Reopen, it must be filed within one year of the entry of the original judgment.

Though you technically have a year to file either motion, because of how quickly steps are taken in evictions, it's important for you to file either motion as soon as you can if you are trying to stop the actual eviction.

For either motion to be successful, you also must convince the court there is some chance you might win your case. The court does not want to waste time reopening a case when you will lose it anyway. The motion paperwork asks you why you think you will win if the case is reopened, and this is where you might list any or all of your eviction defenses.

If the court commissioner or judge decides to reopen the case, you must mail a copy of the motion and order with the new hearing date on it to the other party and/or their attorney. Once you've done that, complete an [Affidavit of Mailing \(Small Claims\)](#) and file it with the court.

Last updated on January 13, 2025.

[Procedure Eviction Housing](#)

Files

[Motion to Reopen Small Claims Judgment](#)

[Order on Motion to Reopen Small Claims Judgment](#)

[Petition to Answer or to Reopen Small Claims Action with Mail Service](#)

[Order on Petition to Answer or to Reopen Small Claims Action with Mail Service](#)

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