

How to Enforce an Order for Custody

When someone doesn't do what a court has ordered them to do, they're breaking a court order. If their failure to follow the order is intentional, they could be found in "[contempt of court](#)".

If parents have joint [custody](#), they are required to make major decisions about their child(ren) together. If one parent makes major decisions about the child(ren) without talking to the other parent even though there is joint custody, the parent making the decisions on their own may be violating the court order for joint custody.

In this situation, a parent trying to enforce a custody order can start with the following forms:

1. [Affidavit for Finding of Contempt](#)
2. [Order to Show Cause for Finding of Contempt](#)

OPTIONAL, if you qualify & can't afford the filing or service fees:

3. [Petition for Waiver of Fees and Costs - Affidavit of Indigency](#)
4. [Order on Petition for Waiver of Fees & Costs](#)

Important: Take proof of income/public benefits to court when filing these documents!

Go to the court clerk to file the documents and get a hearing date. You will want to make enough copies of the documents you get back from the clerk so that you can keep a copy of every form for your own records, in addition to: serve forms 1 and 2 (above) on the other parent, serve forms 1 and 2 (above) on the State of Wisconsin if applicable (see below), and give form 4 to the sheriff if you are asking the sheriff to waive service fees.

Serve the other parent with the Affidavit for Finding of Contempt and Order to Show Cause at least five business days before the hearing. This service can't be by mail, it has to be personal service. This means someone has to hand it directly to the other party, ideally a neutral third party. If the court signed your fee waiver, most county sheriffs will honor that and serve your documents for you without charge. See our [service article](#). File proof of service with the court.

If the State of Wisconsin is involved in the case (they are involved if either parent receives public benefits or [child support](#)), they must be served as well. Take a copy of the forms to be served and an [Admission of Service form](#) to the Child Support Agency. Give the papers to a representative from the Child Support Agency and ask them to "admit service". They will complete the bottom portion of the Admission of Service form. Return the Admission of Service form to the [Clerk of Courts](#) Office as proof of service (keep a copy for your records).

Attend your hearing. If the hearing is remote (on the Zoom video conferencing app), the court will give you instructions on how to join.

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[Enforcing custody or placement orders Custody & Placement Family Law](#)

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