

# New (DeNovo) Hearing

**NOTICE:** Family and divorce laws change often. These forms may not be appropriate for all situations. They are intended to be useful in many cases and may have to be changed in some way to fit your case. Talk to a lawyer if you are unsure that these forms are the most appropriate for your situation. **Court staff cannot give legal advice.**

**Motion for and Notice of New (DeNovo) Hearing (FA-4130V)** is the form to file when you want a judge to review a decision that was made by a circuit court commissioner because you disagree with what the circuit court commissioner decided.

To request a de novo hearing, you must have attended the hearing and the decision by the court commissioner cannot have been the result of a stipulation you reached with the other parties.

The request must be made within 20 calendar days of the hearing, if the court commissioner gives an oral ruling at the hearing. If no oral decision was made, the request must be made within 20 calendar days of when the court commissioner's written order or decision was mailed. There is **no fee to file** a Motion for and Notice of New (DeNovo) Hearing.

**Motion for DeNovo Hearing on a Temporary Restraining Order or Injunction (CV-503)** is the form for review of a harassment or domestic abuse temporary restraining order or injunction decision by a circuit court commissioner.

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## Procedural Checklist

- 1. Complete the **Motion for and Notice of New (DeNovo) Hearing (FA-4130V)** form.
- 2. If you have a copy of the signed Order, attach it to the form.
- 3. Make three additional copies of the completed original **Motion for and Notice of New (DeNovo) Hearing form**, four if the State of Wisconsin (Child Support Agency) is a party.
- 4. The court will set a hearing date within 60 days of your request, keep the original for the court file, and return the remaining copies to you.
- 5. **Notifying the Other Party:**
  - **Contempt Hearing:** The other party(ies) must be personally served. For information on the ways to have the other party served, see the **Service Packet (FA-5000V)**.
  - **All other Hearings:** You may mail a copy of the completed form to the other party and if necessary the State of Wisconsin (Child Support Agency).

- 6. After you have properly served the other party, you MUST, on or before the date of your hearing, complete and file Proof of Service (**Admission of Service (FA-4119V), Declaration of Service (FA-4120V), or Declaration of Mailing (FA-4121V) forms**). If you do not provide Proof of Service and the other party does not appear, the court may reschedule the hearing or dismiss the request.
- 7. Take the following with you to the New (DeNovo) Hearing:
  - A copy of the proof of service.
  - The original and two copies of your completed, dated, and signed **Financial Disclosure Statement (FA-4139V form)**, if required.
  - Any other documents you think may help you make your case to the court. If you wish to offer written evidence or documents to the court, be sure you have the original for the court, a copy for yourself, and a copy for the other party(s). If you wish to have other people testify for you, make sure they come to court. An affidavit, letter, email, or text from them is not acceptable.
  - **This is a new hearing.** You should not rely on documents or testimony presented before the circuit court commissioner at the last hearing.
- 8. Go to the assigned courtroom at least 20 minutes before your court time and let the bailiff or court clerk know on which case you are appearing.
- 9. When your case is called, go to the front of the room and sit where directed by the court clerk or bailiff. Take all your papers and documents with you.
- 10. Present your case to the judge as directed. Be prepared to state your side of each issue clearly and completely. Be prepared to answer questions that may be asked of you by the judge or by the other party. Use the copy of the decision that is to be reviewed as an outline to follow while you are in court to be sure you remember each issue you want to raise.
- 11. The judge will state their decisions/rulings to you. Take notes because you may be required to write the ruling in a specific format on a form called **Decision and Order (FA-4175V or FA-4176V form)**. The judge may also set a review hearing for you to return to court.