

The Eviction Process



Eviction is the formal legal process that a landlord must complete in order to force someone from their property. In Wisconsin, only the courts can order an eviction. Once ordered, only the sheriff's department can remove, or supervise the removal of, a tenant from their home. This timeline provides a general outline of the eviction process and should not substitute legal advice from an attorney. Talk to an attorney about your specific case to see if any defenses apply.

Termination Notice

Before filing an eviction, a landlord must give the tenant notice terminating the tenancy. The content of the notice depends on the type of rental agreement and why the landlord is terminating the tenancy. At any point, the landlord and tenant can also try to work out an agreement to avoid eviction.

Summons & Complaint (S&C) Filed With the Court

The landlord begins the eviction process in court by filing a Summons & Complaint. Once filed, the case can be tracked online in CCAP.

Return Date

At the return date, the tenant and landlord can present their cases to the court or present an agreement if they have worked one out. The court can (a) **dismiss all, or part, of the case**, (b) **grant the eviction**, and/or (c) **schedule further proceedings** (e.g., a trial).

Post-Judgment Motions

After a decision has been made, a party may choose to pursue additional actions. Some of them include an appeal, a motion to reopen, or if the case is fully dismissed, a motion to seal.

Termination Notice Expires

The termination notice will contain a strict deadline by which a tenant must act, or be subject to an eviction action. If the tenant does not pay owed rent, correct behavior, move out by the deadline in the notice, the landlord can file a case with the court.

Summons & Complaint Served

The landlord must serve the S&C on the tenant. The S&C must notify the tenant of the basis of the eviction action and the time and place to appear in court for the **Return Date**.

Trial

If necessary, a trial can be held before the judge. This is the last opportunity for parties to reach an agreement to dismiss the case before the judge makes a decision. In some jurisdictions, return dates and trials are combined into one proceeding.

2nd/3rd Causes

2nd and 3rd causes pertain to rent and other damages. If they are not dismissed at your return date or trial, you may have to return to court to address how much rent or other money is owed.