

MOTION TO SET SPECIFIC PERIODS OF PHYSICAL PLACEMENT

These forms are to be used by unrepresented parties when the Judgment provides placement "as agreed" or "on reasonable notice" and parties are unable to agree on placement periods. These forms are available for this purpose, but are not the only forms that may be used. Filing the motion does not guarantee that you will succeed in your request. It only provides you with the opportunity to present your case to the Court.

STEP 1 : FILL OUT THE FORMS

Your signature on the Affidavit must be notarized. Make sure to attach a copy of the most recent order.

STEP 2: PAY FILING FEE

The filing fee is **\$50**. Pay the fee in the Clerk of Courts office, Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615.

If you believe you are entitled to a waiver of court fees because of poverty, complete a Petition for Waiver of Filing and Service Fees, which is available online. The Court Commissioner will determine if the fee will be waived. **If you ask for a waiver, do so before you pay any fees. Do not pay the fees and then ask for a waiver.**

If the fee is not waived, pay the fee as explained above. If the fee is waived, proceed to Step 3.

STEP 3: FILE THE FORMS

Take the original and three copies of the Motion and Affidavit forms to the Clerk of Court's Office in the Jackson County Courthouse, 307 Main Street, Black River Falls, WI 54615. Clerk of Court staff will send the original of the motion and affidavit forms to the assigned judge and return the other three copies to you. Keep one copy for yourself. The other two copies are needed for service on the other party or his/her attorney.

STEP 4: SERVE THE NOTICE OF MOTION AND MOTION AND AFFIDAVIT

If the other party had an attorney at the last hearing, you must mail an additional copy of the forms to the attorney.

A. By Sheriff

If the other party lives in Jackson County, you may have the Motion and Notice of Motion and Affidavit served on the other party by the Civil Process Division of the Jackson County Sheriff's Department. The Sheriff will need two of the copies you made of the forms filed in STEP 3. There is a \$30 charge for every service or attempted service, plus 50¢ per mile, round trip, that the deputy travels. Once the forms have been served by the Sheriff, you will be sent a Proof of Service form. Bring this form to the hearing with you.

If the party to be served lives outside Jackson County, you must call the Sheriff in that county for instructions.

B. By Private Process Server

You may use a private process server to serve the Notice of Motion and Motion and Affidavit forms on the other party. To locate a private process server, look in the phone book yellow pages under "Process Servers." When the forms have been served, you will be sent a Proof of Service form. Bring it with you to the hearing.

C. By Mail (Not recommended in pro se cases)

You may use regular mail or certified mail with return receipt to serve the Notice of Motion and Motion and Affidavit forms on the other party. If you use regular, first class mail and the other party later denies having received the forms, this may result in orders being vacated or hearings rescheduled. If you use certified mail with return receipt, bring the receipt to the hearing. **If you serve by mail, you must submit an Affidavit of Mailing so that it will be kept with your court file.** An Affidavit of Mailing form can be obtained online at the Court Forms page.

STEP 5: REVIEW BY THE JUDGE

The assigned judge will review the forms to make sure there are reasons to proceed. The judge may do any of the following:

- 1) Refer the case to the Family Court Counseling Service for mediation and/or a study;
- 2) Refer the motion to the Family Court Commissioner's Office for a Temporary Order Hearing; or
- 3) Schedule a status conference or hearing before the judge.

If a referral is made to Family Court Counseling Service, they will send both parties a letter scheduling a parent education session. After both parties have attended this class, Family Court Counseling will schedule a mediation session for both parties. There is a fee for the parent education class, but not for the first mediation session. There is a fee if additional mediation sessions are needed. If mediation does not result in an agreement, a custody study will be conducted. There is a fee for the study.

If the parties reach agreement before the hearing, complete and sign the form called Stipulated Order to Modify Custody/Physical Placement/Support and mail it or take three copies to the assigned judge, with a self-addressed, stamped envelope. The judge will sign the stipulation, file a copy with the Clerk of Court, and return two signed copies to you. You are responsible for sending a signed copy to the other party. There is no fee for this.

_____,
Petitioner,

Petitioner's Address
vs.

**MOTION & NOTICE OF MOTION
TO SET SPECIFIC PERIODS OF
PHYSICAL PLACEMENT**

_____,
Respondent.

Respondent's address

Case # _____

MOTION

I, _____ move the Court to order that a specific schedule be set for my periods of physical placement with my child(ren). The basis for this motion is set forth in the attached affidavit.

NOTICE OF MOTION

A hearing/status conference on the above Motion will be held at a time and place to be set by the court.

Both parties shall be prepared to prove what type of physical placement with each parent would be in the child's best interest.

The Court may set a specific physical placement schedule after hearing testimony, or may refer the matter to Family Court Counseling Service for further evaluation/mediation. The court may enter other orders that are just and reasonable. If you fail to appear an order may be entered based on the request of the other party.

Dated this _____ day of _____, 20_____.

Signature of party filing motion

_____,
Petitioner,

Petitioner's Address
VS.

**AFFIDAVIT
In Support of Motion
To Set Specific Periods
Of Physical Placement**

_____,
Respondent.

Respondent's address

Case # _____

I, _____ under oath, say that:

1. I am the father mother of _____

(List Child(ren) and date(s) of birth)

2. The most recent Order of the Court does not set a specific placement schedule for me to have my child(ren). **(attached is a copy of most recent order)**

3. We cannot agree on my periods of physical placement.

4. This Affidavit is made in support of the attached Motion.

5. I would like the specific placement schedule to be: (attach pages, if necessary) _____

Signature of party filing motion

Subscribed and sworn to before me this
_____ day of _____, 20____.

Date

Notary Public, State of Wisconsin
My commission expires: _____