

## **MOTION TO CHANGE COURT-ORDERED SUPPORT**

This form may be used to request that the court increase or decrease a court ordered support payment such as child support, family support, or spousal maintenance. You may also wish to use the form to determine use of the dependency exemption or to address the payment of uninsured medical expenses of the children. Filing a motion to modify support does not guarantee that you will succeed in your request for a modification. It provides you the opportunity to present your case to the Court.

**NOTE: Do not use this form if there is an agreement to change support or other financial provisions. Instead, complete and sign the form called “Stipulation & Order to Amend Judgment for Support/Maintenance/Custody/Placement.”**

**STEP 1: FILL OUT THE FORMS** If the parties do not agree on what the changes should be, carefully study the instructions and fill out the forms labeled “Notice of Motion and Motion & Order” and “Statement in Support of Motion” in this packet, using the sample form as a guide.

### **STEP 2: PAY FILING FEE AT CLERK OF COURTS OFFICE**

Pay the appropriate filing fee to the Clerk of Courts, 307 Main Street, Black River Falls, WI 54615. If you believe you are entitled to a waiver of this fee because of poverty, complete a Petition for Waiver of Filing and Service Fees, The Family Court Commissioner will determine if the fee can be waived. If you ask for a waiver, do so before paying any fees, not after.

**The filing fee for this case is \$50.00.**

If you are seeking to modify an order from another county or state, you will need to complete and file additional forms and pay other fees.

### **STEP 3: OBTAIN A COURT DATE**

After you have paid the fee or had it waived, take the forms to the Clerk of Courts office, 307 Main Street, Black River Falls, WI 54615 to obtain a time and date for the hearing. After the time and date is written on the original, **make 4 copies of the Statement in Support of Motion and the Notice of Motion, Motion & Order forms.** You will also need two copies of the Financial Disclosure Statement form. You should attach one blank copy of the Financial Disclosure Statement to the Motion and Affidavit that will be served on the other party. Keep one copy to complete yourself.

### **STEP 4: SERVE THE MOTION AND STATEMENT IN SUPPORT OF MOTION**

If the other party had an attorney at the last hearing, you must mail an additional copy of the forms to the attorney. If either party to the action has or is receiving Public Assistance for the children, the Jackson County Child Support Enforcement Agency, must also be given a copy of the Notice of Motion, Motion and Order and Statement in Support of Motion. The Jackson County Child Support Enforcement Agency will accept a copy by personal delivery if you take it to the Department of Health and Human Services Building. You must also complete the top part of the form called “Admission of Service Upon the Jackson County Child Support Agency” (included in this packet) and with the Notice of Motion, Motion & Order and Statement. The Child Support Agency staff will complete the form and return it to you. **Bring it with you to the hearing.**

### **A. By Sheriff**

If the other party lives in Jackson County, you may have the Notice of Motion, Motion and Order and Statement served on the other party by the Civil Process Division of the Jackson County Sheriff's Department. The Sheriff will need two copies of the forms you filed. There is a \$30 charge for every service or attempted service, plus 50¢ per mile, round trip that the deputy travels. There will be no fee if you qualify for a fee waiver. Once the Sheriff has served the forms, you will be sent a Proof of Service form. **Bring it with you to the hearing.**

If the person to be served lives outside of Jackson County, call the Sheriff in the county where the person lives for instructions on serving the papers.

### **B. By Private Process Server**

You may use a private process server to serve the Notice of Motion, Motion and Order and Statement in Support of Motion on the other party. To locate a private process server, look in the phone book yellow pages under "Process Servers." Once 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 for parties without lawyers)**

You may have a third party use regular mail or certified mail with return receipt requested to serve the Notice of Motion and Motion and Statement in Support of Motion forms on the other party. 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.

## **STEP 5: ATTEND THE HEARING**

You must have with you the Proof of Service or Affidavit of Mailing and the Admission of Service Upon the Jackson County Child Support Agency (if appropriate to your case) or the hearing will not proceed.

You must be prepared to present your case to the Family Court Commissioner if you do not have an attorney. The Family Court Commissioner cannot represent you. The Commissioner is an impartial decision maker. Bring a completed copy of the Financial Disclosure Statement, the other items you are ordered to bring on the first page labeled "Notice of Motion, Motion and Order," and any other documentation of your income or other verification of financial information you believe is relevant to your case. You should have an original and two copies of any document you wish the Commissioner to look at in support of your case. You may question the other party about his or her financial situation.

The Family Court Commissioner can change the amount of support only if there has been a substantial change in circumstances. The Wisconsin Child Support Guidelines are usually used in revising child support orders unless one of the parties shows that use of the guidelines would be unfair to one of the parties or to the children.

The Court will usually consider the economic circumstances of both the parties including the incomes of other household members such as current spouses or partners. You should include the income of such individuals on the bottom of the first page of the Financial Disclosure Statement.

**Instructions for filling out Notice of Motion, Motion & Order:**

**THESE NUMBERS CORRESPOND TO THE NUMBERS ON THE SAMPLE FORM**

\*Type or print form neatly.

1. Insert the branch number of the Court that established the original order.
2. Fill in the name and address of the Petitioner or Joint Petitioner **as it appears on the divorce or paternity judgment.**
3. Fill in the name and address of the Respondent or Joint Petitioner **as it appears on the divorce or paternity judgment.**
4. Fill in the Jackson County case number, which can be taken from another court document in this case or obtained from the Clerk of Courts.
5. Insert your name and check what you are asking to be changed: child support, family support, maintenance, and how you want it changed (increased, decreased, terminated, or redirected). If you check the “other” box, write in the other provision you are asking to be changed, such as the dependency exemption for a child.
6. Sign your name on the blank in the middle of the page and check whether you are the Petitioner or Respondent.
7. Fill in the other party’s name.
8. Leave empty for the Family Court Commissioner’s Office to complete.
9. Fill in the other party’s name.
10. Leave empty for the Family Court Commissioner’s Office to complete.

**Instructions for filling out the Statement in Support of Motion:**

**THESE NUMBERS CORRESPOND TO THE NUMBERS ON THE SAMPLE FORM**

\*Type or print form neatly.

1. Insert the branch number of the Court that established the original order.
2. Fill in the name and address of the Petitioner or Joint Petitioner **as it appears on the divorce or paternity judgment.**
3. Fill in the name and address of the Respondent or Joint Petitioner **as it appears on the divorce or paternity judgment.**
4. Fill in the Dane County case number, which can be taken from another court document in this case or obtained from the Clerk of Courts.
5. Check the appropriate box: if you receive support you are the payee, if you pay support you are the payor.
6. Check what the motion is about: child support, family support, maintenance, or other provision, and fill in the dollar amount and frequency of last order, for example, weekly, monthly, etc.
7. Check if you are asking for an increase, decrease, termination, or redirection in support. Attach a photocopy of the most recent order in your case.
8. State all of the substantial changes in circumstances that you believe justify a change in support. Be specific. Some samples are:
  - “my income has decreased”
  - “the payor’s income has increased”
  - “I am unemployed and unable to pay support”
  - “When support was last set it was for \_\_\_children, now I have only one minor child to support”
  - “It has been \_\_\_ years since the support order was last changed and the cost of raising the children has increased”
  - “It has been \_\_\_ years since the support order was last changed and the Consumer Price Index has increased \_\_\_\_\_ percent”

9. Sign and date the form.

**Instructions for filling out the Admission of Service form**

**\*This form does not need to be completed if your motion does not concern child support.**

\*Type or print form neatly.

- Insert the branch number of the Court that established the original order.
- Fill in the name and address of the Petitioner or Joint Petitioner and Respondent or Joint Petitioner as they appear on the divorce or paternity judgment.
- Insert the Dane County case number, which can be taken from another court document in this case or obtained from the Clerk of Courts.
- Leave the rest of the blanks empty for the Child Support Office to fill out.

12/21/04

**THIS IS A SAMPLE ONLY. THE NUMBER IN EACH BLANK CORRESPONDS TO THE NUMBER IN THE INSTRUCTIONS.**

STATE OF WISCONSIN  
(2)

CIRCUIT COURT

JACKSON COUNTY

\_\_\_\_\_,  
Petitioner

\_\_\_\_\_  
(street address)

\_\_\_\_\_  
(city, state, zip)

vs.

\_\_\_\_\_(3)\_\_\_\_\_,  
Joint Petitioner / Respondent

\_\_\_\_\_  
(street address)

\_\_\_\_\_  
(city, state, zip).

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**NOTICE OF MOTION,  
MOTION AND ORDER**

Case # \_\_\_\_\_(4)\_\_\_\_\_

I, \_\_\_\_\_(5)\_\_\_\_\_, ask the Court to order that the

Child Support  Family Support  Maintenance previously set in this case be

increased (or set for the first time)  decreased  terminated  redirected or

other \_\_\_\_\_(5)\_\_\_\_\_

\_\_\_\_\_(6)\_\_\_\_\_  
Signature of  Petitioner  Respondent/Joint Petitioner

**IT IS ORDERED** that \_\_\_\_\_(7)\_\_\_\_\_ appear in person before the Jackson County Family Court Commissioner, County Board Room, in the Jackson County Courthouse, 307 Main Street, Black River Falls, Wisconsin on \_\_\_(8)\_\_\_\_\_, 20\_(8)\_\_\_ at \_\_\_(8)\_\_\_ am/pm for a hearing on the motion.

**IT IS FURTHER ORDERED** that *both parties* shall produce an original and 2 copies of each of the following at the hearing:

1. Income statements from all employment and any other source from January 1 of this year to the date of the hearing, or the last six months, whichever period is shorter.
2. Copies of federal and state income tax returns for the previous 2 years.
3. A completed Final Financial Disclosure Statement.
4. Income verification and expenses of your current spouse and/or live-in partner or roommate if the information is not shown on the Final Financial Disclosure Statement.

A copy of this Order and the accompanying supporting documents must be served on:

\_\_\_\_\_(9)\_\_\_\_\_ at least five business days before the hearing.

\_\_\_\_\_(10)\_\_\_\_\_  
Family Court Commissioner

DATE: \_\_\_\_\_(10)\_\_\_\_\_

\_\_\_\_\_,  
Petitioner  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip)

**NOTICE OF MOTION,  
MOTION AND ORDER**

vs.

\_\_\_\_\_,  
Joint Petitioner / Respondent  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip).

Case # \_\_\_\_\_

I, \_\_\_\_\_, ask the Court to order that the

- Child Support  Family Support  Maintenance previously set in this case be
- increased (or set for the first time)  decreased  terminated  redirected or
- other \_\_\_\_\_

\_\_\_\_\_  
Signature of  Petitioner  Respondent/Joint Petitioner

**IT IS ORDERED** that \_\_\_\_\_ appear in person before the Jackson County Family Court Commissioner, County Board Room, in the Jackson County Courthouse, 307 Main Street, Black River Falls, Wisconsin on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ am/pm for a hearing on the motion.

**IT IS FURTHER ORDERED** that *both parties* shall produce an original and 2 copies of each of the following at the hearing:

1. Income statements from all employment and any other source from January 1 of this year to the date of the hearing, or the last six months, whichever period is shorter.
2. Copies of federal and state income tax returns for the previous 2 years.
3. A completed Final Financial Disclosure Statement.
4. Income verification and expenses of your current spouse and/or live-in partner or roommate if the information is not shown on the Final Financial Disclosure Statement.

A copy of this Order and the accompanying supporting documents must be served on:

\_\_\_\_\_ at least five business days before the hearing.

\_\_\_\_\_  
Family Court Commissioner

DATE: \_\_\_\_\_

**THIS IS A SAMPLE ONLY. THE NUMBER IN EACH BLANK CORRESPONDS TO THE NUMBER IN THE INSTRUCTIONS.**

STATE OF WISCONSIN  
(2)

CIRCUIT COURT

JACKSON COUNTY

\_\_\_\_\_,  
Petitioner  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip)

vs.

\_\_\_\_\_(3)\_\_\_\_\_,  
Joint Petitioner / Respondent  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip).

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**STATEMENT IN  
SUPPORT OF MOTION**

Case # \_\_\_\_\_(4)\_\_\_\_\_

1. I am the  payee  payor in this action. (5)
2. The current order for  child support  family support  maintenance in my case is \$\_\_\_\_\_(6)\_\_\_\_\_ per \_\_\_\_\_(6)\_\_\_\_\_.
3. I ask the Court to  increase or set for the first time  decrease  terminate  redirect the previous order because there has been a substantial change of circumstances since the order was last set; or I request that the following order be entered: \_\_\_\_\_(7)\_\_\_\_\_  
**(A copy of the most recent order is attached)**
4. This request is based on the following changes since support was last addressed. (Be factual and specific; attach additional sheets if necessary)
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_(8)\_\_\_\_\_
  - c. \_\_\_\_\_
5. You are also notified that, under WI Stat. §767.081 (2), you may request, and may have to pay for, the following written information from the Family Court Commissioner:
  1. The procedure for obtaining a judgment or order in this action.
  2. The major issues usually addressed in such an action.
  3. Community resources and family court counseling services available to assist the parties.
  4. The procedure for setting, modifying, and enforcing child support awards or modifying and enforcing legal custody or physical placement judgments or orders.
  5. A copy of the statutory provisions in Chapter 767 generally pertinent to this action for inspection or purchase.

If you require services because of a disability, please call 715-284-0213 and ask for Kathy Powell.

Dated this\_(9)\_ day of\_(9)\_\_\_\_\_, 20\_(9)\_

\_\_\_\_\_(9)\_\_\_\_\_  
Petitioner/Joint Petitioner/Respondent Signature

\_\_\_\_\_,  
Petitioner  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip)

**STATEMENT IN  
SUPPORT OF MOTION**

vs.

\_\_\_\_\_,  
Joint Petitioner / Respondent  
\_\_\_\_\_  
(street address)  
\_\_\_\_\_  
(city, state, zip).

Case # \_\_\_\_\_

- 
1. I am the  payee  payor in this action.
  2. The current order for  child support  family support  maintenance in my case is \$\_\_\_\_\_ per \_\_\_\_\_.
  3. I ask the Court to  increase or set for the first time  decrease  terminate  redirect the previous order because there has been a substantial change of circumstances since the order was last set, or I request that the following order be entered: \_\_\_\_\_  
**(A copy of the most recent order is attached)**
  4. This request is based on the following changes since support was last addressed. (Be factual and specific; attach additional sheets if necessary)
    - a. \_\_\_\_\_
    - b. \_\_\_\_\_
    - c. \_\_\_\_\_
  5. You are also notified that, under WI Stat. §767.081 (2), you may request, and may have to pay for, the following written information from the Family Court Commissioner:
    1. The procedure for obtaining a judgment or order in this action.
    2. The major issues usually addressed in such an action.
    3. Community resources and family court counseling services available to assist the parties.
    4. The procedure for setting, modifying, and enforcing child support awards or modifying and enforcing legal custody or physical placement judgments or orders.
    5. A copy of the statutory provisions in Chapter 767 generally pertinent to this action for inspection or purchase.

If you require services because of a disability, please call 715-284-0213 and ask for Kathy Powell.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Petitioner/Joint Petitioner/Respondent Signature

\_\_\_\_\_,  
Petitioner

\_\_\_\_\_  
(street address)

\_\_\_\_\_  
(city, state, zip)

vs.

\_\_\_\_\_,  
Joint Petitioner / Respondent

\_\_\_\_\_  
(street address)

\_\_\_\_\_  
(city, state, zip).

**ADMISSION OF SERVICE  
UPON JACKSON COUNTY  
CHILD SUPPORT OFFICE**

Case # \_\_\_\_\_

The Jackson County Child Support Agency hereby admits service of a copy of the Notice of Motion, Motion and Order, and Statement in Support of Motion, in the above captioned case.

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Title: \_\_\_\_\_