

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 Room 1000, Dane County Courthouse, 215 S. Hamilton Street, Madison, WI 53703.

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 in the Court Commissioner Center, Room 2000, Dane County Courthouse. Court personnel in Room 2000 will determine if the fee will be waived, or direct you to the assigned judge. **If you ask for a waiver, do so before you pay any fees. Do not pay the fees and then ask for a waiver.**

STEP 3: FILE THE FORMS

Take the original and three photocopies of the Motion and Affidavit forms to the Court Commissioner Center in Room 2000, Dane County Courthouse, 215 S. Hamilton Street, Madison, WI 53703 to be filed. The Clerk will retain a copy, give you the original for your records, and a conformed copy for service on the other party. After a Commissioner has reviewed the filing, the Court will mail Notices of Hearing to the parties informing them of the court date and time.

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. Mail

You may use regular mail to serve the Motion and Affidavit forms on the other party. If you use regular mail, you must make a diligent effort to find out the address of the other party and must provide the other party with the notice at his or her most recent residential address or employer address provided by the other party to the county child support agency. **If you serve by mail, you must complete and submit a copy of an Affidavit of Mailing to the Court.** You may purchase an Affidavit of Mailing for a small fee from the Dane County Law Library (Rm. L1007), or obtain one for free online at <https://courts.countyofdane.com/prepare/formfamily>.

B. Sheriff

If the other party lives in Dane County, you may have the Motion and Affidavit forms served on the other party by the Civil Process Division of the Dane County Sheriff's Office, Public Safety Building (Rm. 2002), 115 W. Doty Street, (608) 284-6824. The Sheriff will need two (2) copies of everything you filed. There is a \$40 charge for every service or attempted service plus round-trip mileage that the deputy travels. There will be no fee if you qualified for a fee waiver. Once the Sheriff has served the forms, **you will be sent proof of service; bring the original and a copy with you to the hearing.**

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

C. Private Process Server

You may use a private process server to serve the Motion and Affidavit forms on the other party. To locate a private process server, look in the yellow pages under "Process Servers." Once the forms have been served, **you will be sent proof of service; bring the original and a copy with you to the hearing.**

STEP 5: ATTEND THE HEARING

_____,
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(ren)'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
County of Dane
My commission expires: _____