
INSTRUCTIONS FOR FILING MOTION TO RELOCATE WITH MINOR CHILDREN

FILING IN PERSON AT THE COURTHOUSE

- STEP 1:** Fill out the Motion packet which includes:
1. Form FA-4178V *Notice of Motion and Motion to Relocate with Minor Children*
 2. Form FA-4179V *Objection to Relocate with Minor Children* (does not get filled out by relocating party, but must be served on other party with Motion)
 3. Affidavit of Mailing (to be filed prior to or brought with you to initial hearing)
- STEP 2:** Make copies of all your documents: (there is a fee to make copies at the courthouse)
1. Original plus 3 copies of the Motion to Relocate
 2. Original plus 3 copies of the Objection to Relocate
- STEP 3:** Pay the filing fee of \$50.00 or file a fee waiver.
1. Pay the filing fee at the Clerk of Courts Office (Rm 1000) Dane Co. Courthouse, 215 S. Hamilton St., Madison, WI 53703.
- OR**
2. If you believe you are entitled to a waiver of this fee because of poverty, complete a Petition (form CV-410A) and Order (form CV-410B) for Waiver of Fees and Costs, which can be found at Rm. 2000 or the Dane Co. Law Library. Court personnel in Rm. 2000 will determine if the fee can be waived, or direct you to the assigned judge if necessary. File these documents prior to paying the filing fee, not after.
- STEP 4:** File your documents at Rm. 2000 with the clerk. If all your documents are in order, you will be given the date and time for the initial hearing.
- STEP 5:** Mail to the other parent one of the conformed copies of the motion packet with all the attachments. Complete and file with the court your Affidavit of Mailing.
- STEP 6:** Attend the scheduled hearing at the date and time provided to you at the Dane Co. Commissioner Center. **You should be prepared to spend several hours at the courthouse. If the other parent is objecting to the relocation, Family Court Services will conduct a mediation session with the parents on the day of the initial hearing.**
- IF THE OTHER PARENT DOES NOT FILE AN OBJECTION, OR APPEAR, THE COURT WILL ENTER AN ORDER GRANTING YOUR MOTION.**

FILING BY MAIL

(NOTE: Filing by mail is discouraged as it may delay the timeline for a decision)

- STEP 1:** Include the original motion and three (3) copies of the Motion to Relocate and the Objection to Relocate form.

- STEP 2:** Include check or money order for \$50.00 made payable to the Dane Co. Clerk of Courts (or the signed and notarized fee waiver form and associated order).
- STEP 3:** Include a self-addressed, stamped envelope with enough postage to return your copies for service.

NOTE: Your documents will not be mailed back to you unless you provide an envelope that can hold your copies with sufficient postage. You will receive a letter from the court if your motion packet is denied with an explanation as to why. No hearing will be scheduled until the motion packet is completed correctly and approved by the court. When you receive your conformed copies with a court date inserted, follow steps 5 and 6 above.

SERVICE ON THE OTHER PARTY

Wis.Stat. §767.481(1b)(4)(c) The parent filing the motion shall serve a copy of the motion by mail on the other parent at his or her most recent address on file with the court. If the parent filing the motion has actual knowledge that the other parent has a different address from the one on file, the motion shall be served by mail at both addresses.

****Complete the Affidavit of Mailing form (as mentioned in Step 5) and file with the court or bring to the scheduled hearing**

RELEVANT STATUTES

Wis.Stat. §767.00(1)(k) Concerning periods of physical placement or visitation rights to children, including an action to relocate a child under §767.481.

Wis.Stat. §767.481 Relocating a child's residence. (1) Motion: Filing and Serving. (a) Except as provided in par. (d), if the court grants any periods of physical placement with a child to both parents and one parent intends to relocate and reside with the child 100 miles or more from the other parent, the parent who intends to relocate and reside with the child shall file a motion with the court seeking permission for the child's relocation.

Wis.Stat. §767.481(1b)(4)(d) The requirement to file a motion under par. (a) does not apply if the child's parents already live more than 100 miles apart when a parent proposes to relocate and reside with the child. If the parents already live more than 100 miles apart, the parent who intends to relocate with the child shall serve written notice of his or her intent to relocate on the other parent at least 60 days before relocation. Such written notice shall include the date on which the parent intends to relocate and the parent's new address.

Wis.Stat. §767.481(2)(a) The child may not be relocated pending the initial hearing.

****If both parties are in agreement with the proposed relocation of the minor child away from the other parent, a stipulation (forms FA-604A & FA-604B) may be filed with the court to avoid filing the motion packet.**

****Both parties should read all instructions before filling out the forms. Type or print neatly using black ink only.**