

MOTION TO CHANGE **INSTRUCTIONS**

This form is used to tell the Court and the other party the changes you are asking for, and to provide the date and time of the hearing.

IMPORTANT NOTICE:

Court employees are not allowed to give legal advice, and cannot help you fill out these forms. You may wish to consult with an attorney if you do not know how to complete the forms. You must follow the instructions attached to the papers and you must fully complete the forms either by typing, or by printing neatly using black or blue ink.

MOTION TO CHANGE

1. Fill in the caption of the case exactly as it appears on previous court orders filed in this matter. Mark whether you are the Petitioner or Respondent as you appear in previous court papers in your case. Fill in the correct case number.
2. Follow the instructions on the left side of the form. Check the boxes for the changes you are asking for from the Court. Fill out the form completely.
3. State the important facts which justify the Court granting a change from the previous Order. Attach additional pages if necessary to explain why you are asking for the modification and any change in your circumstances.

FILING AND SERVICE

1. After completing the forms, make three copies of each. Copies can be made in the County Clerk's Office (Room 101 in the Courthouse). Bring the forms to the Court Commissioner's Office (Room 301 in the Courthouse), to receive the date and time for hearing. Put the date and time on all copies.
2. Once you have been given a court date, the originals and copies must be filed with the Clerk of Court's Office (Room 309 in the Courthouse). **You must pay a filing fee of \$30 or \$50 at the time of filing.**
3. The copies will be returned to you. One copy is for you and one copy is for the other party. If you are requesting child support, a copy must also be provided to the Child Support Office (Room 202 in the Courthouse).
4. You are responsible to serve the other party with the paperwork. You can have the person personally served by the Sheriff's Department or a private process server for a fee, or you can mail the paperwork to the other party at least 8 days prior to the hearing (the copy for child support can be dropped off at their office). The other party must receive the paperwork at least 5 days prior to the hearing.

AFFIDAVIT OF MAILING

1. If you serve the other party by mail, fill out and file the Affidavit of Mailing. Complete this form by following the instructions in the left margin of the form.
2. Sign and date the form **in front of a Notary**. The Clerk of Court's Office will have a notary. Make sure to provide a telephone number and email address if you have one.
3. After completing the form, make three copies. The originals and copies must be filed with the

Updated: 10/24/2022

Clerk of Court's Office.

4. The copies will be returned to you. One copy is for you and one copy is for the other party.

DEFINITIONS

LEGAL CUSTODY AND PHYSICAL PLACEMENT

Under Wisconsin law, "Legal Custody" and "Physical Placement" have different meanings.

Legal Custody means the right and responsibility to make major decisions concerning the child. Major decisions include, but are not limited to: choice of school and religion; consent to marry; consent to enter military service; consent to obtain a motor vehicle operator's license; and authorization for non-emergency health care. **Legal custody does not involve the time children spend with each parent.**

"Joint Legal Custody" means that both parents jointly make major decisions and neither party's legal custody rights are superior. A parent with "Sole Legal Custody" can make the major decisions alone regardless of the other parent's wishes or requests.

Physical Placement is the right to have the child physically placed with a parent and to make, during that placement, routine daily decisions regarding the child's care, consistent with major decisions made under legal custody. Parties may have shared physical placement, or one party may have primary physical placement and the other party has less placement with the child.

MEDIATION

In an action where parents disagree on legal custody or physical placement, they will be referred to mediation. Mediation is an effort to resolve disputes regarding children. A referral to mediation may be made before a party files a motion with the Court. Requests for mediation (CCAP form FA-4134V) are available online at wicourts.gov, or the Court Commissioner's Office, 1313 Belknap Street, Room 301, Superior, WI. The mediation fee will be paid by the County the first time the parties attend mediation. Subsequent mediation fees will be paid by the parties. If the parties enter into an agreement in mediation, the Court will be provided a copy of the agreement by the mediator. If the Court believes the agreement is in the best interests of the children, the Court will approve the agreement and make it an Order.

GUARDIAN AD LITEM

Wisconsin requires that whenever legal custody or physical placement of a minor child is contested, the Court shall appoint a guardian ad litem (GAL) for the children. The GAL will be an attorney admitted to practice law in Wisconsin; and is an advocate for the best interests of the children regarding legal custody and physical placement. The GAL will function in the same manner as an attorney for a party to the action, and will consider, but is not bound by, the wishes of the minor child or the parents. Unless both parties are indigent, the Court will order either or both parties to pay the GAL fees. Ordinarily, the Court will order the parties to equally split the GAL fees.

Petitioner/Joint Petitioner A: _____
 Respondent/Joint Petitioner B: _____

Enter the name of the county in which the original case was filed.	STATE OF WISCONSIN, CIRCUIT COURT, DOUGLAS COUNTY
Mark marriage or paternity. If paternity, enter initials of child.	IN RE: THE <input type="checkbox"/> MARRIAGE <input type="checkbox"/> PATERNITY OF _____ Petitioner/Joint Petitioner A
Enter the name, address and daytime phone number of the petitioner or joint petitioner from the original case file.	_____ Name (First, Middle and Last) _____ Current Mailing Address
On the far right, mark the box for the change(s) you are requesting and enter the original case number.	City _____ State _____ Zip _____ Daytime Phone Number _____ -VS-
Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.	Respondent/Joint Petitioner B _____ Name (First, Middle and Last) _____ Current Mailing Address
Check if the State of Wisconsin is a party or not. If you are unsure, you may call your local Child Support Agency.	City _____ State _____ Zip _____ Daytime Phone Number _____ The State of Wisconsin (Child Support Agency) <input type="checkbox"/> is <input type="checkbox"/> is not a party to this action.

Notice of Motion and Motion to Change

Legal Custody

Physical Placement

Child Support

Maintenance

Arrears Payment

Other: _____

Case No. _____

NOTICE OF MOTION

Enter the name of the person to whom this motion is directed.
For Court Use Only: This section will be completed by the court.

TO: _____

You are notified that at the following date and time:

Before Court Commissioner Rebecca J. Lovejoy
 Location 1313 Belknap Street, Room 301
Superior, WI 54880
 Date _____ Time _____ a.m. p.m.,

or as soon as the matter may be heard.

I will be asking the court to change the existing order in this case as indicated below. *If you object to this motion, you need to appear and say so. Otherwise, the court may proceed without you and grant the request.*

You may contact the office of the family court commissioner for written information on modifying and enforcing court orders or judgments.

MOTION

1. **MODIFY** as follows:
 A. **Physical Placement Order(s)** (time with children) for the following children:

- 1) from primary physical placement with [Name of Parent] _____ to primary placement with [Name of Parent] _____.
- 2) from shared placement to primary placement with [Name of Parent] _____.
- 3) from primary placement to shared placement.

Check A if you are requesting a change to physical placement, list the children affected, check 1-4 and/or 5 and/or 6-7 and complete the necessary information. Indicate if you have or have not attempted Mediation. If you have, indicate the date of the Mediation session.

- 4) from the current shared placement schedule (if any) to a new shared placement schedule.

The requested placement schedule for the changes in 1-4 above is as follows:

- _____ See attached
- 5) If either parent is receiving less than 25% placement with the minor child(ren), the specific reasons more placement with that parent is not in the child(ren)'s best interest is as follows:

- _____ See attached
- 6) to require placement with [Name of Parent] _____
be supervised. unsupervised.

- 7) Other: _____ See attached

The other party and I attempted mediation on [Date] _____.
 have not attempted mediation for this issue.

- B. **Legal Custody** (decision making) for the following children:

- _____ See attached
- 1) to joint legal custody with both parents.
 2) to sole legal custody with [Name of Parent] _____.
 3) Other: _____

- C. **Child Support**

- 1) that is currently \$ _____ per _____ that
 a. does not include a deviation for health insurance or any other reason.
 b. does include a deviation of \$ _____
 upward downward for health insurance.
- 2) to a new amount beginning _____ to be paid by [Parent] _____
to [Parent] _____
 a. based on state child support standards determined by the court.
 b. a new set amount of \$ _____ per _____.
 c. held open (no payment).

I request that this new amount

1. not include a deviation for health insurance or any other reason.
 2. include a deviation of \$ _____
 upward downward as a cash contribution for health insurance.

- D. **Maintenance** (Spousal Support) that is currently \$ _____ per _____ to

- 1) an amount beginning _____, 20____ to be determined by the court based on current income.
 2) a new set amount of \$ _____ per _____ beginning _____, 20____.

- E. **Arrears payment** that is currently \$ _____ per _____ to

- 1) an amount beginning _____, 20____ to be determined by the court.
 2) a new set amount of \$ _____ per _____ beginning _____, 20____.

I will be able to provide documentation to the court that supports my request.

Check B if you are requesting a change to legal custody, list the children affected, check 1, 2, or 3 and complete the necessary information.

Check C if you are requesting changes to child support orders. In 1, enter the amount and frequency of the current payment and check whether it includes a deviation for health insurance.

In 2, check a, b, or c.

Check 1 or 2, indicate deviation information.

Check all that apply in D or E, and complete all relevant information for each section checked

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

NOTICE: Both parties must bring a fully completed, dated, and signed Financial Disclosure Statement to court.

In F, enter any other changes you may have.

In 2, enter the date the current court order or judgment was signed by a court official

In 3, check all that apply in A-J. If F or G, enter the party's information that has changed. If other, enter the change in circumstance that has prompted you to bring this Motion.

Describe the facts that justify the change you want. Attach additional pages, if necessary

- F. Other change(s): _____ See attached
2. The court order that I am asking to be modified was dated _____.
3. This request is based on the following substantial change in circumstances that have occurred since the entry of the prior court order in this case.
- A. A child who was living with the other parent is now living with me.
 - B. A child is no longer eligible for child support because the child has reached age 18, or is over 18 but under 19, and is no longer pursuing a course of education leading to a high school diploma or its equivalent.
 - C. One of the parties has or will be moving to a different residence.
 - D. The parties are no longer living together.
 - E. There is not a placement schedule and the parties cannot agree.
 - F. Employment or work shift of _____ has changed.
 both parties has changed.
 - G. Income or wages of _____ has changed.
 both parties has changed.
 - H. The availability or cost of health insurance has changed.
 - I. The party to whom maintenance is owed has remarried.
 - J. Other: _____

This is a substantial change in circumstances because:

See attached

If you require reasonable accommodations due to a disability to participate in the court process, please call: 715-395-1203 prior to the scheduled court date. Please note that the court does not provide transportation.

Sign and print your name.

Enter the date on which you signed your name.

NOTE: This signature does not need to be notarized.

▶ _____
Signature

Print or Type Name

Address

Email Address Telephone Number

Date State Bar No. (if any)

A copy of this Notice of Motion and Motion must be served upon all other parties at least 5 (five) business days before the date of the hearing. If service is by mail, it must be mailed at least 8 (eight) business days before the date of the hearing. See the Service Packet (FA-5000V) https://www.wicourts.gov/formdisplay/FA-5000V_instructions.pdf?formNumber=FA-5000V&formType=Instructions&formatId=2&language=en for more information.

Petitioner/Joint Petitioner A: _____
Respondent/Joint Petitioner B: _____

Enter the name of the county in which this case is filed.
Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.
Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.
Enter the case number.

STATE OF WISCONSIN, CIRCUIT COURT,
_____ **COUNTY**

IN RE: THE MARRIAGE PATERNITY OF _____

Petitioner/Joint Petitioner A

Name (First, Middle and Last)

and

Respondent/Joint Petitioner B

Name (First, Middle and Last)

Affidavit of Mailing

Case No. _____

AFTER you have mailed the documents, you must complete the information to the right by **checking the boxes indicating the specific documents that you mailed.**

To review decision for a harassment or domestic abuse injunction, use Motion for DeNovo Hearing (CV-503) form.

If a motion, enter the type of motion.

Enter the date [month, day, year] on which you placed the documents in a mailbox, and the name and address of the person to whom you mailed them.

UNDER OATH I STATE:

I placed in an envelope a copy of the following documents:

- A blank Income and Expense Statement (FA-4138V) form
- A blank Financial Disclosure Statement (FA-4139V) form
- Requirement to attend parent education
- Motion for and Notice of New (De Novo) Hearing (FA-4130V) form
- Response and Counterclaim (FA-4113V) form
- Notice of Motion to Change: (FA-4170V/FA-4171V - Post Judgment) form
- Motion for: _____
- Other: _____

I mailed that envelope with proper postage affixed on [Date] _____, 20____ to:

Name _____
Address _____
Address _____
City _____ State _____ Zip _____

STOP!
Take this document to a Notary Public BEFORE you sign it.

After you have been sworn by a Notary Public, sign and print your name and date the document in front of the Notary Public. Have the Notary Public sign and date.

State of _____

County of _____

Subscribed and sworn to before me on _____

Notary Public/Court Official

Name Printed or Typed

My commission/term expires: _____

- This notarial act involved the use of communication technology.

Signature

Print or Type Name

Address

Email Address

Telephone Number

Date

State Bar No. (if any)