**MJC Remote Forms Clinic: Filing Instructions and Notes –**

**ENFORCEMENT OF PHYSICAL PLACEMENT Motion**

**COSTS/FEES**

* **$0.00** (there is no filing fee for this motion)
* **$85.00** for the Milwaukee County Sheriff to serve the other parent (can be waived with a Fee Waiver if you qualify)

**FORMS NEEDED**

* **Enforcement of Physical Placement motion** (“Notice of Hearing and Motion to Enforce Physical Placement Order”)

**ADDITIONAL ITEMS NEEDED**

* **A copy of your most recent order on placement**
* (optional) **Fee Waiver & proof of income or public assistance**

**GENERAL PROCESS**

1. ***Get everything you need to file.***
2. ***File everything at the courthouse.***
3. ***Serve the other parent.***
4. ***Attend your hearing.***

For detailed instructions, see the notes below.

1. ***Get everything you need to file.*** *Refer to the chart below for details.*
* **Review everything carefully** and **make any edits or additions listed in the chart.** Correct any other errors you see(pay special attention to names, addresses, phone numbers, etc.).
* **Sign and date the forms and make the copies according to the chart below.**
	+ **ALL ORIGINALS AND COPIES MUST BE PRINTED SINGLE-SIDED** (on one side of paper). The court will not accept documents that are printed on both sides.
	+ **PRINTING/COPYING SERVICES**: The Milwaukee County Law Library (Room G8 in the courthouse) is currently closed for all services due to the rise in Covid-19 cases. To call them with questions or to confirm when they will re-open, their number is (414) 278-4900. If you don’t want to wait and don’t have access to a printer, we recommend going to a local FedEx, Kinkos, etc. for printing/copying services.

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| **Form** | **Edits/Additions Needed** | **Copies Needed** |
| **Enforcement of Physical Placement*** Notice of Hearing and Motion to Enforce Physical Placement Order
 | DO NOT sign or date the Affidavit until you are in front of a notary. See #2 below for info on getting documents notarized. | Original **+ 3 copies**  |
| **Additional Items** | **Notes** |
| **A copy of your most recent court order on placement** | *If you don't have this document, you can request it through Civil Records by completing this*[***Records Request form***](https://county.milwaukee.gov/files/county/courts/Documents/Records-Request-Form.pdf)***.*** *Make 3 copies of this document as well.*  |
| **(optional) Fee Waiver & proof of income or public assistance*** Petition for Waiver of Fees and Costs – Affidavit of Indigency
* Order on Waiver of Fees and Costs
 | * *If you receive public assistance or if you can’t afford to pay the fees because of your income, you can complete and submit the Fee Waiver form.*
* DO NOT sign or date the Fee Waiver until you arein front of a notary. You can get documents **notarized in** **ROOM 104** of the courthouse. Bring your photo ID.
* After you get the Fee Waiver notarized, you can get it **approved in ROOM 609** of the Courthouse.

*To get the Fee Waiver approved, you need to show proof that you can’t afford the fees.** If you receive public assistance, you can show the My Access phone application for BadgerCare or FoodShare, SSI eligibility letters, etc.
* If you think you qualify based on your income, you can show pay stubs, proof of unemployment, etc.
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1. ***File everything at the courthouse.***
* **Take all the forms, additional items, copies, and fees to Room 104** of the Milwaukee County Courthouse (901 N. 9th St., open weekdays from 10:00am to 3:00pm).
* **Get documents notarized.**
	+ If you need to sign any documents in front of a notary, there are notary publics available in Room 104. You could also get documents notarized at most banks and some post offices and package stores. Bring your photo ID when you get documents notarized.
	+ If you need to make copies of documents that need to be notarized, make the copies *after* you get the original notarized (or you’ll have to get the original and all the copies individually notarized).
* **After you file, the court will send you information about your hearing date and a set of other paperwork**.
	+ Make sure the hearing date is written on all copies of the motion.
	+ ****It may take several weeks to hear back from the court. Please be patient. If it has been over a month since you filed and you have not received anything, either contact the court or contact us so we can try to help you figure out your next steps.
1. ***Serve the other parent.***
* ******After the court sends you the stamped, filed documents that you submitted in Room 104, you need to **get the other parent served with a copy of the Enforcement of Physical Placement motion with the hearing date on it**.
* *If you get close to the hearing date and have not gotten the other parent successfully served, please let us know* so we can talk about what your next steps should be.
* **Get the Proof of Service to your judge before the hearing**. The court may give you instructions on how to get the documents to them. If they don’t, we recommend making a copy of the proof of service document. Submit the original to Room 104 of the courthouse. **Keep the copy with you for reference during your hearing.**
* Review the service options section below. ***CAUTION***: not all service methods are appropriate for all situations. If you’re not sure, e-mail us at mjcdivorce@gmail.com with questions.

***Based on your situation, selected below are your best options for serving your spouse:***

* ***Service through the Milwaukee County Sheriff*:**
* Either take the documents (and your approved Fee Waiver, if using one) **to Room 102 of the Safety Building** (located in the Milwaukee County Courthouse complex) **OR e-mail them to** **MCSOCivilProcess@milwaukeecountywi.gov****.**
* **For more info, visit**<https://county.milwaukee.gov/EN/Sheriff/Divisions/Civil-Process>.
* ***Service through the Sheriff in the county where the other parent lives:***
	+ Search the internet for “\_\_\_\_\_ County Sheriff’s Department.” When you find a phone number for the department, call them and tell them you are trying to serve Milwaukee County, Wisconsin family court papers on the other parent in their county.
	+ Ask them to send the proof of service document to your home mailing address.
	+ The service fee in other counties may be different than in Milwaukee County. If you have an approved Fee Waiver, ask them if they will accept it.
* ***Service through a Private Process Server:***
	+ Search the internet for “\_\_\_\_\_ County private process servers” to compare different private process service companies’ services and prices.Ask them to send the proof of service document to your home mailing address.
	+ Remember, private process companies generally do not accept Fee Waivers, so be ready to pay the service fees involved (they may be cheaper than through the Sheriff).
* ***Service through a neutral third person:***
	+ The person needs to be at least 18 years old and not be a party in the case.
	+ After the person hands the other parent the documents, they need to complete the **Affidavit of Service** form and sign and date that form in front of a notary.
	+ The service fee through Child Support is **$25.00** (it can be waived with an approved Fee Waiver).
	+ *Please note: If Child Support tells you they don’t have an address on file for the other parent, you will have to find a different method of getting them served.*
1. ***Attend your hearing.***
* ****Your hearing will probably take place by phone or by Zoom (the audio and video conferencing service).The court will send you instructions on how to call in or join. Arrive early, dress nicely, and if your hearing is in person, do not bring children.

***Other important information specific to your case:***