



MANITOWOC COUNTY CIRCUIT COURT
FAMILY COURT COMMISSIONER
1010 SOUTH EIGHTH STREET, ROOM 309
MANITOWOC, WISCONSIN 54220

C. Luke LeFevre
Family Court Commissioner
Circuit Court Commissioner

Janet S. Galien
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Court Reporter

TELEPHONE: 920-683-4493 • FAX: 920-683-4311

Motion to Enforce Physical Placement Order (Form FA-609)

This form should be used by a parent who has been awarded periods of physical placement and any of the following applies:

- 1) The parent has had one or more periods of physical placement denied by the other parent.
- 2) The parent has had one or more periods of physical placement substantially interfered with by the other parent.
- 3) The parent has incurred a financial loss or expense as a result of the other party's intentional failure to exercise periods of physical placement, without adequate notice, under an order allocating specific times for the exercise of placement.

INSTRUCTIONS

- 1) Complete the **Notice of Hearing and Motion to Enforce Physical Placement Order (Form FA-609)** as instructed in the boxes on the left side of the form. You must attach a copy of the physical placement order you want enforced.
- 2) Take the completed form to the Family Court Commissioner's Office, Room 309, to get a hearing date. You may want to call the Family Court Commissioner's office to make an appointment by calling (920) 683-4493.
- 3) The Court will review the document. If approved for a hearing, the Court will schedule the hearing and complete the form.
- 4) You will need to take the completed Notice of Hearing and Motion to Enforce Physical Placement Order and three copies to the Clerk of Court office, Room 105, for filing.
- 5) The Clerk of Court office will give you three authenticated copies.
- 6) Have the other party personally served with a copy of the Notice of Hearing and Motion to Enforce Physical Placement Order. See the **Service Packet (Form FA-5000V)** for options and procedural instructions.

Deadline: A copy of the Notice and Motion shall be personally served on the other parent no less than five business days prior to the hearing.

- 7) The Affidavit of Service provided to you by the agency serving the Notice and Motion must be filed with the Clerk of Court office, Room 105. **THIS MUST BE DONE PRIOR TO YOUR HEARING. If the Court does not have proof that the other parent was served timely, and that parent does not appear at the hearing, the motion cannot continue or be heard.**

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, MANITOWOC COUNTY
Check paternity or marriage. If paternity, enter initials of child.	IN RE: THE <input type="checkbox"/> MARRIAGE <input type="checkbox"/> PATERNITY OF _____
Enter the name, address, and daytime phone number for the Petitioner or for Joint Petitioner A.	Petitioner/Joint Petitioner A _____ Name (First, Middle and Last)
On the far right, enter the original case number.	Current Mailing Address _____ City State Zip Daytime phone number
Enter the name, address, and daytime phone number for the Respondent or for Joint Petitioner B.	Respondent/Joint Petitioner B _____ Name (First, Middle and Last)
	Current Mailing Address _____ City State Zip Daytime phone number

**Notice of Hearing and
Motion to Enforce
Physical Placement Order**

Case No. _____

Enter the name of the other (non-moving) party.

NOTICE OF HEARING

To: _____

Please take notice that a hearing on the attached motion shall be held:

For Court Use Only: The clerk will complete this section.

Date	Time	Location
Circuit Court Judge/Circuit Court Commissioner Honorable C. Luke LeFevre		Manitowoc County Courthouse 1010 S. 8 th Street, Room B-15 Manitowoc, WI 54220

Failure to appear could result in an order being issued granting the relief requested in the motion.

A copy of this Notice and Motion shall be personally served on the other parent not less than 5 business days prior to the hearing.

If the moving party seeks to have you found in contempt of court for non-compliance with the judgment or court order, and if you are found in contempt of court, a jail sentence could be imposed. You therefore have the right to be represented by an attorney at this hearing. Unless good cause is shown, failure to appear with an attorney may be considered a waiver of that right.

If you require reasonable accommodations due to a disability to participate in the court process, please call (920) 683-4030 _____ prior to the scheduled court date. Please note that the court does not provide transportation.

MOTION TO ENFORCE PHYSICAL PLACEMENT ORDER

Based upon the following:

1. I was awarded periods of physical placement of [Name of children] _____ by judgment or order of _____ County. **A copy of the physical placement order is attached.**
2. I have
 - A. had one or more periods of physical placement denied by the other party.

Check all that apply.

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

- B. had one or more periods of physical placement substantially interfered with by other party.
- C. incurred a financial loss or expense as a result of the other party's intentional failure to exercise periods of physical placement, without adequate notice, under an order allocating specific times for the exercise of placement.

Enter facts explaining problems you are having.

3. The facts explaining what happened are: _____ See attached

I REQUEST THE COURT ISSUE AN ORDER TO:

- 1. Grant additional periods of physical placement to replace those denied or interfered with.
- 2. Award reasonable costs and attorney fees.
- 3. Require the other party return the child to me.
- 4. Change the current order to specify the times for the exercise of periods of physical placement.
- 5. Find the other party in contempt.
- 6. Grant an injunction ordering the other party to strictly comply with the judgment or order.
- 7. Require the other party to pay me a sum of money sufficient to compensate for financial loss or expenses resulting from the other party's intentional and unreasonable failure to exercise periods of placement under an order allocating specific times.

Check all that apply.

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.

► _____
Signature

Print or Type Name

Address

Email Address Telephone Number

Date State Bar No (if any)

Have the Notary Public sign, date, and seal the document.

State of Wisconsin
County of Manitowoc
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.



MANITOWOC COUNTY SHERIFF

Sheriff - Daniel L. Hartwig
Chief Deputy - Brian L. Nack

In Partnership with the Community. Dedicated to Your Safety.

INFORMATION SHEET FOR CIVIL PROCESS/PAPER SERVICE

To the Petitioner/Submitter,

You are required to provide, to the best of your ability, the following information. It is understood that all information may not be available to you; however, all information provided will assist in the service of your papers.

Court Date: _____ Court Time: _____ Serve by date: _____

INFORMATION ON THE PERSON TO BE SERVED:

Paper Service For:

Name _____ Date of Birth _____ or Age _____

Present Address: _____ Home Phone # (____) _____

Temporary Address: _____ Cell Phone # (____) _____

Vehicle: _____ Color: _____ License Plate # _____

Place of Employment: _____

Address: _____

Shift Hours: _____ Work phone # (____) _____

Suggested Time to Serve Papers: _____

Comments: _____

****COMPLETE FOR DOMESTIC ABUSE SERVICE ONLY****

Does the Respondent possess any firearms? Yes/No How many? _____

Where are the firearms stored? _____

Must the Respondent be removed from the residence? Yes / No 72 Hour no-contact in effect? Yes / No

Person Requesting Service/Billing Information (MUST BE COMPLETED!)

I understand that I will be billed for the service, unless I have provided an Indigency Order.

Your Name _____ Date of Birth _____
(Last Name) (First Name) (M.I.)

Mailing Address: _____

Telephone Number (____) _____ Cell Phone Number: (____) _____

Email Address: _____

There is no fee for serving Temporary Restraining Orders or Injunctions.

1025 South 9th Street • Manitowoc, Wisconsin 54220 • Phone: (920) 683-4200

Jail Fax: (920) 683-4405 • Patrol Fax: (920) 683-4946 • Records Fax: (920) 683-4342

Fee Schedule

Civil Process: \$40 minimum - \$130 maximum per person. \$40 deposit per person is required. The \$40 deposit includes one attempt or service. We may also charge \$30 for each additional attempt or service. A maximum of 3 additional attempts can be charged. Mileage is included and will not be charged separately. The \$40 deposit should be included when your papers are submitted for service.

Writs: \$75 includes one hour of standby time. Additional standby time may be charged at \$40 an hour.

Sheriff's Sale: Posting \$75 -- Sale \$75 for a total of \$150. Check should be sent with original posting(s). A total of 4 copies of the sale should also be included.

Copies: \$0.25 per printed side (black/white) - \$0.40 per printed side (color)

Mailing Copies: Add \$1.00 standard letter (fee may increase for larger packages)

Photos: 4" x 6" on photo paper - \$3.50 each
CD/DVD/DVR - \$10.00 each
8 1/2" x 11" photocopies of photos (Color \$0.40 each)

All copies or photos over \$5.00 must be paid in advance. A check should be made payable and mailed to the Manitowoc County Sheriff's Office along with request.

Call (920)683-4334 to request a quote on photo fees.

Reserve Deputy Security: Hourly charge, \$25 per hour with a minimum charge of 4 hours (\$100) per Reserve Deputy

Building Escort/Escort: \$70 per squad per hour

Service

“Service” or “service of process” are the legal terms used to describe the act of giving notice of a lawsuit or court hearing to another person. There are several different methods and very specific time limits by which you must have the other party served. The type of service you are required to use depends on the type of forms you are filing. If you do not have the other party served properly (within the correct time limits and using the correct method), the court cannot hear or decide your case.

Notice: This packet describes only the most common methods of service available for use. Please seek legal assistance if you would like to explore additional/alternative methods or the forms you are filing are not listed.

Court Self-Help Form	Required Type of Service	Service Time Limits
Summons and Petition for Divorce/ Legal Separation (FA-4104V/FA-4105V)	Personal	Within 90 Calendar days from the date the divorce/legal separation was filed
Order To Show Cause and Affidavit for Temporary Order (FA-4128V/FA-4129V)	Personal	Not less than 5 Business days before the date of the Temporary hearing
Response & Counterclaim (FA-4113V)	Mail	Within 20 Calendar days after the date of service
Order To Appear (FA-4142V)	Personal	Not less than 24 hours if the other party lives within the county the action is filed Not less than 72 hours if the other party does NOT live in the county the action is filed, but in the State of Wisconsin
Motion for and Notice of New (DeNovo) Hearing (FA-4130V)	Personal (Contempt matters)	Not less than 5 Business days before the date of the hearing
	Mail (All other matters)	Not less than 8 Business days before the date of the hearing
Notice of Motion and Motion (Post Judgment) (FA-4170V)	Mail	Not less than 8 Business days before the date of the hearing
Order To Show Cause (Post Judgment) (FA-4171V/FA-4172V)	Personal	Not less than 5 Business days before the date of the hearing
Notice of Motion and Motion to Relocate with Minor Children (FA-4178V)	Mail	Not less than 8 Business days before the date of the hearing
Objection to Relocate with Minor children and Motion to change Placement and/or Custody (FA-4179V)	Mail	Not less than 5 Business days before the date of the hearing
Subpoena (GF-120)	Personal	Not less than 10 Business days before the date of the hearing
Petition to Enforce Physical Placement (FA-609)	Personal	Not less than 5 Business days before the date of the hearing

NOTE: If you are unable to serve the other party within the required time limits, you may write a letter to the court requesting a different court date.

WARNING: Copies, NOT original documents, should only be given to the other party. The originals (if in your possession) and proof of service need to be returned to court after the other party has been served.

Personal Service

There are five basic ways to have the other party personally served:

1A. Admission of Service by the State of Wisconsin / Child Support Agency

If the State of Wisconsin is a party to the action, you must serve your local Child Support Agency using the following steps below.

- Take a copy of the forms to be served and an **Admission of Service** form (FA-4119V) to the Child Support Agency.
- Give the papers to a representative from the Child Support Agency and ask him/her to "admit service". He/she will complete the bottom portion of the **Admission of Service** form.
- Return the **Admission of Service** form to the Clerk of Courts Office as proof of service (keep a copy for your records).

1B. Admission of Service for the other party

You may give the documents to the other party and ask that he/she voluntarily accept the papers from you. If the other party agrees to accept the documents, you need to:

- Complete the caption of the **Admission of Service** form (FA-4119V).
- Have him/her complete and sign the bottom.
- Return the **Admission of Service** form and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to keep a copy for your records.

If the other party will not voluntarily accept the papers from you, or you do not wish to have contact with the other party, you must have the other party served using one of the other methods described below.

2. Sheriff's Department

The **Sheriff's Department**, of the County in which the individual to be served resides, may serve the other party. Proof of service and a set of the documents which were served must be returned to court as soon as possible. Remember to keep a copy for your records.

3. Private Process Server

You may make arrangements with a **private process server** to have the other party personally served. Contact individual companies for fees and procedural information. To find a private process server in your or the other party's area, you may look under "Process Service" using a phone or internet directory or by going to <http://www.iprocessservers.com>. Proof of service and a set of the documents which were served must be returned to court as soon as possible. Remember to keep a copy for your records.

4. Service by Friend or Relative

A friend or relative who is over 18, is a resident of Wisconsin, and is not a party to the action can also serve the other party.

- You:** complete the caption of the **Affidavit of Service** form (FA-4120V).
- Friend or Relative:** Gives a copy of the paperwork to the other party.
- Friend or Relative:** Completes the bottom portion of the **Affidavit of Service**.
- Friend or Relative:** Signs it in the presence of a notary public.
- You:** Return the **Affidavit of Service** form and a set of the documents served, as soon as possible to the Clerk of Courts. Remember to keep a copy for your records.

LAST RESORT

Before attempting this last resort, you should consider seeking legal assistance. There are specific and complicated rules that must be followed to successfully serve a party by publication.

5. Service by Publication

Service by Publication is a **last resort** and can only be used if you failed to have the other party served by one of the methods above. You have a responsibility to make every effort to make personal service if possible, which includes gathering reasonably available information from family and friends to try and determine the other party's location.

The option of **Service by Publication** is only available to you if you can answer yes to all of the following:

- You have tried personal service through the Sheriff's Department or a private process server.
- You have given them as much information as possible to help them find the other person.
- The Sheriff's Department or private process server cannot find the other person after a diligent search.
- You have been given an **Affidavit of Due Diligence/Not Found/ Attempted Service** by the Sheriff's Department or private process server stating that the other party could not be found. Keep this affidavit.

The Service by Publication Packet is available to assist individuals who are filing an action for divorce/legal separation.

Service by Mail

Serving documents on the other party by mail is allowed for certain types of forms. If service by mail is allowed, you must:

- Mail copies of the documents to the other party.
- Sign a sworn affidavit called the **Affidavit of Mailing** (FA-4121V) in the presence of a Notary Public.
- Return the **Affidavit of Mailing** and a set of the documents that were mailed to the Court as soon as possible. Remember to keep a copy for your records.

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

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, MANITOWOC COUNTY
Enter the name of the petitioner. If joint petitioners, enter the name of Petitioner/Joint Petitioner A.	IN RE: THE <input type="checkbox"/> MARRIAGE <input type="checkbox"/> PATERNITY OF _____ Petitioner/Joint Petitioner A
Enter the name of the respondent. If joint petitioners, enter the name of Respondent/Joint Petitioner B.	Name (First, Middle and Last) _____ and Respondent/Joint Petitioner B
Enter the case number.	Name (First, Middle and Last) _____

Affidavit of Service

Case No. _____

Note: A party to this action cannot serve the documents on the other party.

UNDER OATH I STATE:

I am an adult resident of Wisconsin, Illinois, Iowa, Michigan, or Minnesota.

I am not a party to this action.

On [Date] _____, 20____ at [Time] _____ a.m. p.m.

At [Address] _____

I served a copy of the following documents:

- Authenticated **Summons and Petition**
- Order to Show Cause and Affidavit for Temporary Order** [Date] _____, 20____.
- A blank **Financial Disclosure Statement**
- Requirement to attend parent education
- Order to Appear**
- Other: _____
- Other: _____
- Other: _____

personally by delivering to and leaving these documents with the person served whom I know to be _____.

At the time of service, I signed my name, time, date, place and manner of service and upon whom service was made **on the copy that was served.**

After the documents have been served, the person serving the documents must complete the information. Enter the date [month, day, year], time and the address at which the documents were served. Check the boxes indicating the specific documents that were served. If one of the documents is an Order to Show Cause, enter the date [month, day, year] the Order To Show Cause was signed by a court official. If other, enter the name of the document.

Enter the name of the party to whom the papers were served.

Take Notice: You must complete this task.

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

After you, the server, 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 <u>Wisconsin</u>	▶ _____
County of <u>Manitowoc</u>	Signature _____
Subscribed and sworn to before me on _____	Name Printed or Typed _____
_____ Notary Public/Court Official	Address _____
_____ Name Printed or Typed	Phone Number _____
My commission/term expires: _____	Date _____
<input type="checkbox"/> This notarial act involved the use of communication technology.	