

PETITION TO ENFORCE PHYSICAL PLACEMENT ORDER INFORMATION

Attached in this packet are the forms necessary to petition the Court to enforce court ordered physical placement. The Court may order a Respondent to do one or more of the following:

- * to strictly comply with the physical placement order
- * to give the Petitioner additional periods of physical placement to make up for those that could not be exercised.
- * to pay the Petitioner's reasonable costs and attorney's fees for this action.
- * to pay the Petitioner to compensate for expenses or financial loss due to the Petitioner's attempt to exercise physical placement
- * to Sentence the Petitioner to county jail

You must meet all three of the following conditions to file the attached forms:

1. You must have been awarded periods of physical placement by a judgment or Court order.
2. You must have a copy of this order to attach to your Petition. If you do not have this, then you need to contact the Circuit Court in the county where the judgment or order was entered to obtain a copy.
3. At least one of the following must have happened:
 - * You were denied one or ore periods of physical placement by the respondent.
 - * You have had one or more periods of physical placement substantially interfered with by the Respondent.
 - * You have incurred financial loss or expenses as a result of your inability to exercise your periods of physical placement.

If you feel that you meet the above requirements, then you may petition the Court to enter an Order for Enforcement. It is not necessary for you to have an attorney, although an attorney can be helpful in such situations.

PLEASE NOTE: The Family Court Commissioner's Office and the Clerk of the Circuit Court Personnel CANNOT give you legal advice.

PETITION TO ENFORCE PHYSICAL PLACEMENT ORDER
COMPLETING THE FORMS

Please press firmly and print clearly

Form Entitled - Notice of Hearing to Enforce Physical Placement Order

1. You are the Petitioner. Print your full name and address in the space titled Petitioner.
2. The person who is withholding your court ordered physical placement is the Respondent. Fill in that person's full name and address in the space titled Respondent.

DO NOT FILL IN ANY FURTHER INFORMATION ON THIS FORM. The rest of this information will be filled in by the Family Court Commissioner's Office.

Form Entitled - Petition to Enforce Physical Placement Order

1. You are the Petitioner. Print your full name and address in the space titled Petitioner.
2. The person who is withholding your court ordered physical placement is the Respondent. Fill in that person's full name and address in the space titled Respondent.
3. Fill in the blanks for the RESPONDENT's (the person withholding placement):
 - * date of birth
 - * sex
 - * race
 - * height - estimated
 - * weight - estimated
 - * hair color
 - * eye color
4. Under 1a:
 - * List the name/s of the child/ren for which you have court ordered periods of physical placement.
 - * List the name of the county that your judgment or court order is from.
5. Under 1b mark the box that applies.

6. Under 2 mark an "X" in any of the boxes that apply. You must mark at least one box.
7. Under the "I Request That The Court Issue An Order Section" mark number:
- * 1. If you would like the Court to grant you "make-up time" for the times that your physical placement was denied or interfered with by the Respondent.
 - * 2. If you have sustained any attorney's fees or out of pocket expenses in filing or will sustain expenses in litigating this action.
 - * 3. If you would like the Court to specify specific times and dates for you to exercise periods of physical placement.
 - * 4. If you would like the Court to find the Respondent in contempt.
 - * 5. If you would like the Court to grant an injunction so that you may exercise the previously ordered placement schedule.
 - * 6. If you have sustained any expenses while attempting to exercise your periods of physical placement, for example travel or lodging expenses.

When you have completed this form, you must sign it in the presence of a notary public. Bring both of these forms to the Family Court Commissioner's Office in room 109 and a staff member will notarize your Petition for you. **DO NOT SIGN IT UNLESS YOU ARE IN FRONT OF A NOTARY PUBLIC.** You will need to show them proper identification, preferably a Wisconsin driver's license or state identification card.

Once you have signed the Petition in the presence of a notary public, you will then need to file the forms with the Family Court Commissioner's Office. A staff member there will tell you when your forms will be ready for you to pickup.

When you receive the forms back from the Family Court Commissioner's Office, you will need to have them served on the Respondent. You may do this through either the Sheriff's office or a private processor server. If the Respondent lives in Wisconsin, you may call the sheriff's department for the county that he or she lives in and follow the instructions that they give you for service.

IT IS YOUR RESPONSIBILITY TO HAVE THE RESPONDENT SERVED. If you do not have the Respondent served, the Court will not proceed with your case. Once the Respondent has been served, it is YOUR responsibility to file the affidavit of service with the Court, so it is important to follow up with the person who will serving your papers. **YOU MAY NOT SERVE THE PAPERS ON THE RESPONDENT YOURSELF.**

If you are attempting to have the Respondent served but are unable to do so before the scheduled hearing, you will need to go to court at your scheduled time and explain to the Court what has happened. You may request that the Court give you a time extension to serve the respondent.

IF YOU FAIL TO APPEAR, YOUR CASE MAY BE DISMISSED.