

**INSTRUCTIONS FOR FILING A MOTION FOR MODIFICATION OF
LEGAL CUSTODY AND/OR PHYSICAL PLACEMENT**

1. Complete and sign the Motion for Modification of Legal Custody and/or Physical Placement.
2. Have a copy of the completed and signed motion served on the other parent and any other person having custody of the child(ren) involved.
 - a. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**
 - b. The person serving the motion must complete an Affidavit of Service which is included in this packet. The Affidavit of Service must be filed with the Clerk's office along with your original motion.
3. If personal service is not possible, you may mail the motion to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk along with your original motion.
4. If personal service and mail service are not possible, you may ask the Court to permit service by publication.
5. File the original motion form, your proof of service, and pay the \$25.00 filing fee with the Clerk (or request a fee waiver). **PLEASE NOTE: The Court will not accept your motion without the proof of service and the filing fee.**
6. The other parties have 14 days to respond to your motion.
7. A hearing will be scheduled after 14 days have passed from the date of your filing. Most hearings are scheduled within a month of filing.

Any questions, call the Clerk of Court at 920-496-7200.

MOTION FOR MODIFICATION OF LEGAL CUSTODY AND/OR PHYSICAL PLACEMENT

Enter the original docket number.

Case No. _____

Petitioner/Joint Petitioner:

Enter the name, address and daytime phone number of the petitioner or joint petitioner from the original case file.

First name Middle name Last name

Current Mailing Address

City State Zip Daytime Phone Number

vs.

Respondent/Joint Petitioner:

Enter the name, address, and daytime phone number of the respondent or joint petitioner from the original case file.

First name Middle name Last name

Current Mailing Address

City State Zip Daytime Phone Number

Check if OTCSA is a party or not. If you are unsure, you may call the Oneida Tribe Child Support Agency.

The Oneida Tribe Child Support Agency (OTCSA)

is a party to this action.

is not a party to this action.

PETITION

If you are requesting any changes to **legal custody or physical placement**, check **A**, enter the names of the child(ren) and dates of birth involved, and check all that apply in 1-8. Complete all relevant information, and attach a copy of your proposed placement schedule, if applicable.

1. I am requesting that the court:

A. Change the existing legal custody or physical placement of the following children:

(Please list all child/ren and their dates of birth.)

- 1. To joint legal custody with both parents.
- 2. To sole legal custody with me.
- 3. From primary physical placement with (name of parent): _____
to primary physical placement with (name of parent): _____
- 4. From shared physical placement to primary physical placement with (name of parent): _____
- 5. From primary physical placement to shared physical placement.
- 6. From the current placement schedule (if any) to a new schedule ***I have attached.***
- 7. Increased physical placement and/or a set schedule for physical placement.

In B, enter any other changes you may have.

Indicate if you have or have not attempted Mediation. If you have, indicate the date of the Mediation session.

Enter the date the current court order or judgment was signed by a court official.

Check all that apply in A-G. 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.

- 8. To require placement be:
 - supervised
 - unsupervised

B. Other Change(s): _____

The other party and I: attempted peacemaking/mediation on (date) _____
 have not attempted peacemaking/mediation for this issue.

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. The current custodial conditions are harmful to the best interest of the child(ren).
- B. A child who was living with the other parent is now living with me.
- C. One of the parties has or will be moving to a different residence.
- D. There is not a placement schedule and the parties cannot agree.
- E. Employment or work shift of the other party myself has changed.
- F. Other: _____

4. The facts explaining the substantial change in circumstances are:

NOTE: The party being served with this Motion has fourteen (14) days to file an Answer/Response in writing with the Court and the other party OR the party being served has the option to respond in person at the hearing.

Sign and print your name.

Enter the date on which you signed your name.

Signature

Print or Type Name

Date

