

Oneida Family Court
P O Box 19
Oneida, WI 54155
(920) 496-7200

INSTRUCTIONS FOR FILING A MOTION TO VACATE CONSENT DECREE

1. Complete and sign the Motion to Vacate Consent Decree.
2. Have a copy of the completed and signed motion served on the other parties involved (e.g. parent(s), caregiver(s), Oneida Nation Indian Child Welfare Department, etc.).
 - 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. You should make a copy for each of the parties that you must serve (additional copies may be found in the Family Court forms section of the Judiciary's website - <https://oneida-nsn.gov/government/judiciary/judiciary-forms/#Family-Court>). The Affidavit(s) 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. Unless the parties have attached a stipulated agreement, the other parties have 14 days to respond to your motion in writing. The Court may also allow the parties to respond orally at the hearing.
7. Unless the parties have attached a stipulated agreement, a hearing will be scheduled after 14 days have passed from the date of your filing.

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

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ONEIDA FAMILY COURT

IN THE INTEREST OF:

_____ **Case No.** _____
Name

Date of Birth

Motion to Vacate Consent Decree

I STATE ON INFORMATION AND BELIEF:

1.

Child's Address and Telephone Number	
Parent 1's Name, Address, and Telephone Number	Date of Birth
Parent 2's Name, Address, and Telephone Number	Date of Birth
Legal Custodian or Guardian's Name, Address, and Telephone Number	
Petitioner's Name (If Not Listed Above, Include Address and Telephone Number)	

2. A consent decree was ordered by the Court on [Date] _____.

3. The consent decree is scheduled to expire on [Date] _____.

4. The consent decree should be vacated because: _____

See attached

Signature

Date

Name Printed or Typed

The parties may stipulate and agree that the Court may enter an order vacating the consent decree and reinstating the proceedings by attaching an agreement signed by all parties.

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AFFIDAVIT OF SERVICE

Case No. _____

In the Interest of: _____
(Child's initials and date of birth)

I, _____, swear that I personally served the Motion to
(Name of person serving party)

Vacate Consent Decree on the following person: _____.
(Name of party being served)

DATE: _____

TIME: _____

PLACE: _____

To the best of my knowledge, _____, is present in
(Name of party being served)
the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

(Signature of person serving party)

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.