

INSTRUCTIONS FOR FILING A NOTICE OF INTENT TO REMOVE CHILD(REN)

1. Complete and sign the Notice of Intent to Remove Child(ren).
 - a. Except as otherwise provided in OCL 705.14, if periods of physical placement are granted to more than one parent, a parent with legal custody of and physical placement rights to a child shall provide not less than 60 days written notice to the other parent, with a copy filed at the Court, or his or her intent to:
 - i. Establish his or her legal residence with the child(ren) at any location outside the State of Wisconsin.
 - ii. Establish his or her legal residence with the child(ren) at any location within the State of Wisconsin that is a distance of 150 miles or more from the other parent.
 - iii. Remove the child(ren) from the State of Wisconsin for more than 90 consecutive days.
2. Have a copy of the completed and signed notice served on the other parent via certified mail with return receipt requested. The certified return receipt (green card) showing the date of delivery is proof of service.
 - a. If service by certified mail is not possible, you may have the notice personally served.
 - i. Personal service means that the court papers are given to the other party 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!**
 - ii. The person serving the notice must complete an Affidavit of Service, which is included in this packet. The Affidavit of Service is proof of service.
 - b. If mail service and personal service are not possible, you may ask the Court to permit service by publication.
3. File the original notice form and your proof of service with the Clerk. **PLEASE NOTE: The Court will not accept your notice without the proof of service.**
4. The other parent has 15 days to file a written notice of objection after receiving the notice.
5. A hearing will be scheduled upon the receipt of a notice of objection to the proposed action. The parent proposing the move or removal shall not move with or remove the child(ren) pending resolution of the dispute unless the parent petitions for and obtains a temporary order to do so.

When it is necessary to protect a parent's privacy or safety, the parent proposing the move or removal shall petition the Court to provide the other parent with the required notice. The clerk shall forward any objection received to the parent proposing the move or removal.

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

ONEIDA FAMILY COURT

In re the matter of: _____, **d.o.b.** _____
_____, **d.o.b.** _____
_____, **d.o.b.** _____

_____,
Petitioner(s)

v.

Case No: _____

_____,
Respondent(s)

NOTICE OF INTENT TO REMOVE CHILD(REN)

Pursuant to Oneida Code of Laws (OCL) 705.14, you are provided with notice that it is my intention to (check one):

- Establish legal residence in _____ (name of city and state) on or about _____ (date), thus removing the minor child(ren) from the State of Wisconsin.
- Establish legal residence with in _____ (name of place) on or about _____ (date), thus removing the minor child(ren) a distance of more than 150 miles from the other parent within the State of Wisconsin.
- Remove the child(ren) from the State of Wisconsin for more than 90 consecutive days from _____ (beginning date) to _____ (ending date, if applicable).

The efforts that I made to find the address of the other parent include: _____
_____.

My basis for using the address that I used for the other parent is as follows: _____
_____.

You are notified that OCL 705.14-3(a) requires that if you wish to object to the proposed action that you must do so within 15 days after receiving this notice by sending the parent proposing the move or removal a written notice of objection to the removal. A copy of the notice of objection must also be filed with the Court.

Dated: _____

(Removing parent's signature/address)

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

AFFIDAVIT OF SERVICE

Case No. _____

In re the matter of:

Petitioner

and

Respondent

I, _____, swear that on _____, I personally
served the Notice of Intent to Remove Child(ren) on the following person:
Date

_____.

Date:

Time:

Location:

To the best of my knowledge, _____, is present in
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 other 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.