

# Motion to Enforce Physical Placement P-3105

You may use this packet if you believe that the other parent has denied you physical placement (visitation) that has been court ordered. This packet is used only to **enforce** the current physical placement order and ensures that you will get into court **within 30 days**. If you would like to modify the court ordered legal custody or physical placement schedule that is currently in place, you may do so by using the **Modification Packet** (P3100) available in the Court Self-Help Center.

You are encouraged to seek legal assistance to verify that these forms are the most appropriate for your situation, as the Court Self-Help Center staff cannot give legal advice.

Court Related Offices		
<p style="text-align: center;"><b>Court Self-Help Center</b>  <b>Courthouse, Room C-108</b>  <b>262-548-7524</b>  <a href="http://courtsselfhelp.waukeshacounty.gov">http://courtsselfhelp.waukeshacounty.gov</a></p> <p><b>Open:</b> Mon 8:30 am - 12 pm  Wed 12 pm - 4 pm  Fri 8:30 am - 4 pm  Tues &amp; Thurs by Appointment only</p>	<p style="text-align: center;"><b>Child Support Agency</b>  <b>Administration Building,</b>  <b>Room 348</b>  <b>262-548-7420</b></p> <p><b>Open:</b> Mon-Fri 8 am - 4:30 pm</p>	<p style="text-align: center;"><b>Clerk of Courts</b>  <b>Family Court Office</b>  <b>Courthouse, Room C-112</b>  <b>262-548-7544</b></p> <p><b>Open:</b> Mon-Fri 8 am - 4:30 pm</p>
<b>Waukesha County Courthouse, 515 W. Moreland Blvd, Waukesha, WI 53188</b>		
<b>Notary Public Services</b> are available at no charge in the Family Court Office and <b>Copies</b> can be made in the Court Self-Help Center for <b>\$.15</b> per page		

## Procedural Checklist

### Getting a Court Date

1.  Complete the **Notice of Hearing and Motion to Enforce Physical Placement Order** (FA-609).
2.  **Attach a copy of your current physical placement (visitation) order AND you are encouraged by the court to attach additional information to supplement your request on the Petition.**
3.  Go to the Court Self-Help Center during regular business hours (see above) or call to make an appointment to have your form reviewed for completeness.

4.  Go to the customer service window of the Family Court Office. The clerks will:
- Collect the appropriate filing and copy fees.
  - Assign you a court date.
  - Make your copies.
  - Return the appropriate number of copies to you.

## Notifying the Other Party (Service)

5.  Give the other party notice of the hearing by having him/her served with the **Notice of Hearing and Motion to Enforce Physical Placement Order**. See the **Service Packet** for options and procedural instructions.

**Deadline:** The other party(s) must be personally served with the forms **no later than five (5) business days before the date of the hearing**.

6.  Make a copy of the proof of service (**Affidavit of Service** or **Admission of Service**) for your records and bring the original to court on the date of the hearing.

**Warning:** Without proof of service, the court cannot proceed with the hearing.

**NOTE:** If, for any reason, you need to cancel or postpone your court hearing, you must send a written request to the court and the other party. Once the Court has made a decision, you must then notify the other party of the Court's decision and new date, if one was assigned.

## Preparing for and Going to Court

7.  Take the following items with you to court:
- Original **proof of service**.
  - Any other documents you think may help you make your case to the court along with copies for each party.
  - If you wish to have other people testify for you, make sure they come to court in person. **A letter from them is not acceptable.**
8.  Go to the correct courtroom at least 20 minutes before your assigned court time and let the bailiff or court clerk know that you have arrived (you may sit in the hall or watch court).
9.  When your case is called, present your case to the Judge:
- Be prepared to state your side of each issue clearly and completely.
  - Be prepared to answer questions that may be asked of you by the Court or others.
  - If you wish to offer written evidence or documents to the court, give the original to the court and a copy to the other side.
  - While you are in court, use the forms you prepared as an outline to remind you of each issue you want to talk about.
10.  The Judge will state his/her decisions/rulings to you. Take notes because you must be able to write the ruling the **Order to Enforce Physical Placement Order** (FA-611). The court **may** also set another hearing for the parties to return to court.

## After Court

11.  Complete and make four (4) copies of the **Order to Enforce Physical Placement Order**.
12.  Send one copy to the other party and then file the original and three (3) copies in the Family Court Office, along with two self-addressed stamped envelopes (one addressed to you and one addressed to the other party).
13.  The court will hold the **Order** for five (5) days to give the other party time to review the order and object to its accuracy. If there are no objections within the five days, the court will review, may sign, and will return the order to you and the other party.
14.  If the other party is found by the court to be in contempt of court, he/she may be given remedial sanctions or consequences for not complying with the original court order/judgment. He/she may also be given a certain amount of time to comply with specific actions to stop the contempt (also known as purge terms). The court official will give you instructions as to how to proceed from the date of the hearing. If the court does not give instructions, and the other party has not complied with the purge terms, you may write a letter to the court official explaining that the other party has not complied with the order and request action from the court. You must also send a copy of this letter to the other party(s).