

Instructions for Completion and Submission of: Notice of Motion and Motion to Relocate with Minor Children

Filing Fee for this Motion: \$50

Procedure Checklist

- Complete** FA-4178V Notice of Motion and Motion to Relocate with Minor Children
 - **Complete** the form by following the instructions on the left side. Be sure to include your Eau Claire County case number
 - **Call** the Court Commissioner's Judicial Assistant at 715-839-6029 to obtain a date and time for hearing and write this information where designated
 - **Complete** the Notice of Motion portion as follows:
 - Court Official: **Family Court Commissioner**
 - Location: **Hearing by Zoom – see attached Instructions for How to Appear Remotely**
 - **Complete** pages 1 and 2 of the 2-page form addressing each item and attaching any relevant information
 - **Sign** and date the form
- Make 2 copies** of the Notice of Motion and Motion to Relocate with Minor Children.
 - **Attach** form FA-4179V Objection to Relocate with Minor Children and Motion to Change Placement/Custody *to one copy* of the FA-4178V Notice of Motion and Motion to Relocate with Minor Children for service on the other party
- Bring** original form and copies to Clerk of Courts along with the \$50 filing fee in the form of cash, debit/credit card, or check or money order made payable to Clerk of Courts. (If requesting a waiver of the filing/service fees, complete forms CV-410A Petition for Waiver of Fees and Costs and CV-410B Order for Waiver of Fees and Costs). The regular business hours for the Clerk of Courts are 8 a.m. to 4:30 p.m. The Clerk will file stamp the original and copies, keep one copy for the court and return to you the original (for your records) and one copy (for service on the other party)
- Serve papers** on the opposing party
 - You are required to have the other party served with the Motion and blank Objection forms by mail at least eight (8) business days before the scheduled hearing
- File an Affidavit of Mailing** (Form FA-4121V) with the Clerk of Courts to prove the motion was properly served
- Attend** the hearing
 - The hearing will be held remotely by Zoom.
 - You must call in or log on at least 5 minutes prior to the time hearing time
 - The hearing is scheduled for 30 minutes only
 - What can I expect to occur at the hearing?
 - The court will direct the hearing if the parties are appearing without counsel.
 - The court will give both parties an opportunity to speak at the hearing.
 - The court will attempt to see if the parties can agree on a mutual placement order.
 - If the parties cannot agree, the court may issue a **temporary** placement order and order the parties to attend TRY Mediation in an attempt to resolve their issues.
 - If the parties are unable to reach an agreement after mediation, the court may order the appointment of a Guardian Ad Litem (GAL).

Court staff may not provide legal advice or recommend a specific course of action for an individual. (Supreme Court Rule 70.41)

All numbered forms referenced can be found at www.wicourts.gov under forms → circuit court → family → view all family forms

See the Clerk of Courts website for further information at: <http://www.co.eau-claire.wi.us/departments/departments-a-k/clerk-of-courts>