

FORM SUMMARY

Name of Form: Notice of Motion and Motion to: Change Legal Custody, Physical Placement, Child Support, Maintenance, and/or Other)

Form Number: FA-4170

Statutory Reference: §§767.105, 767.451 and 767.59, Wisconsin Statutes

Benchbook Reference:

Purpose of Form: This form may be used to give notice to another party that a request is being made and a hearing will be held to change a current order concerning legal custody, physical placement, or child support of a minor child, as well as to change maintenance or any other aspect of a court order.

Who Completes It: Party seeking the change in the current order.

Distribution of Form: Original to Clerk of Court, Copies for service on all of the other parties.

Accompanying Forms: Generally the form may be the only document needed. However if the form's instructions indicate a supporting document is needed (such as placement schedules or additional documentation), those document(s) should be attached.

New Form/Modification: Modification; last update 08/06.

Modification: Updated to be compliant with 2005 Wisconsin Act 443. Effective 01/07.

Comments:

1. The party seeking the change could alternatively use an Order to Show Cause (FA-4171) to accomplish the same end. The basic differences between the two are who signs it and how is service made on the other party. An order to show cause must be signed by a court official while the notice and motion may be signed by the party. An order to show cause must be personally served on the other party; a notice can be served by other means as well. The reason there are two forms is that the statutes provide that the

request can be brought either by “motion” or “order to show cause.”

2. If the parties can stipulate or agree to a change in the type of matters covered by this motion, the parties may use FA-604 to do so without the need for a hearing.

About this Form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court’s Office. As a *pro se* form, its use is NOT mandatory but it is required to be accepted and distributed by the circuit courts of the State of Wisconsin.