

## NOTICE OF MOTION AND MOTION FOR CHANGE OF VENUE Form GF-122

This form may be used to request your Dane County court case be transferred to another county within Wisconsin. This form is not appropriate for requesting your case be transferred outside of Wisconsin. You may wish to consult with an attorney if you are trying to register a Dane County order in another state or country.

### STEP 1...Fill out the motion

You should read all instructions before filling out the form. Type or print neatly using **black ink only**. Use the instructions in the left margin of the actual motion to help you complete it accurately.

#### **This packet includes the following forms:**

1. Notice of Motion and Motion for Change of Venue (GF-122)
2. Affidavit of Mailing (FA-4121V)

**\*\*Note:** If you have found these instructions online, you will need to download and print each form individually. There are links from the Dane County Clerk of Courts Family Court Forms page.

<https://courts.countyofdane.com/Resources/Forms/family-forms>

### STEP 2...Make photocopies of all your documents

Make 2 additional copies of the motion and any attachments you may have. There is a public photocopier in the Dane County Law Library (Rm L1007) for \$.25 per copy.

### STEP 3...Submit the motion (and copies) to the judge/court branch assigned to your case (not the Commissioner Center)

There is no upfront filing fee when submitting the motion. However, if the judge grants your order to change venue at a later hearing, a change of venue and/or a transmittal fee may be set at that time.

The Branch Clerk will retain a copy of the motion for the Court, return the original, time-stamped motion and the other copy of the conformed motion to you. The original is for your records, and the conformed copy is for you to mail serve to the other party.

**\*If you are filing by mail**, please include a self-addressed, stamped envelope for return of your conformed motions. The mailing address is **Dane County Courthouse, 215 S. Hamilton Street – Room 1000, Madison, WI 53703**.

### STEP 4...Serve the Notice of Motion and Motion for Change of Venue

All filed motions must be served on the other party. If the other party had an attorney at the last hearing, mail a copy of the motion to the attorney, too.

#### **A. Mail**

You may use regular mail to serve the Notice of Motion and Motion for Change of Venue form on the other party. If you use regular mail, you must make a diligent effort to find out the address of the other party and must provide the other party with the motion at their most recent residential address or employer address. **If you serve by mail, you must complete and submit a copy of an Affidavit of Mailing for proof of service.** One (1) Affidavit of Mailing form has been included in this form packet. Additional copies can be obtained for a small fee from the Dane County Law Library (Rm L1007) or online.

#### **B. Sheriff (Optional, as personal service is not required)**

If the other party lives in Dane County, you may have the Notice of Motion and Motion for Change of Venue served on the other party by the Civil Process Division of the Dane County Sheriff's Office, Public Safety Building (Rm 2002), 115 W. Doty Street, (608) 284-6824. The Sheriff will need two (2) copies of everything you filed. There is a \$40 charge for every attempted service plus round-trip mileage that the deputy travels. Once the

Sheriff has served the forms, **you will be sent proof of service; bring the original and a copy with you to the hearing.**

\*If the person to be served lives outside of Dane County, call the Sheriff in the county where the person lives for instructions on serving the papers.

**C. Private Process Server (Optional, as personal service is not required)**

You may use a private process server to serve the Notice of Motion and Motion for Change of Venue on the other party. To locate a private process server, perform an internet search of "Process Servers" for the area where the other party resides. Once the forms have been served, **you will be sent proof of service; bring the original and a copy with you to the hearing.**

**STEP 5...Attend the hearing and make any ordered payments**

You must be prepared to present your case to the judge, if you do not have an attorney.

If the judge grants the change of venue, the order will indicate if a change of venue and/or transmittal fee are to be waived or to be paid. If fees are imposed, the party(ies) ordered to make the payment **must submit the payment within 20 days** from the date of the order. If the payment is not made timely, you lose the right for the case to be transferred outside of Dane County.

Payments may be made at the **Dane County Courthouse, 215 S. Hamilton Street – Room 1000, Madison, WI 53703.**

If paying a \$15 transmittal fee, the check or money order should be made payable to the Dane County Clerk of Courts.

If paying a \$95 or \$105 change of venue fee, the check or money order should be made payable to the receiving county's Clerk of Court (ex. Sauk County Clerk of Court). That payment is still submitted to the Dane County Clerk of Courts, and we will send it to the other county when processing the transfer of your case file.

Once the case is transferred to the other county, all future filings for the case must be made to that county. You should receive written notification from the new county once they have received the transferred case and created a new court case number.