

In re the Petition to Enforce an Out-of-State
Child Custody Determination Pursuant To
Wis. Stats. §822.38–§822.41 by:

CASE NO.
CODE NO. 40803 (UCCJEA)

Petitioner:

-vs.-

Respondent:

**ORDER AFTER HEARING ON PETITION FOR EXPEDITED ENFORCEMENT
OF OUT-OF-STATE CHILD CUSTODY DETERMINATION (UCCJEA)**

A hearing, pursuant to *Wis. Stats.* §822.38, on the petition to enforce an out-of-state child custody determination, having come on regularly to be heard before the Hon. _____, Circuit Court Judge Commissioner for _____ County, Wisconsin, on _____, 20____, and the appearances being as follows:

- Petitioner, in person and/or by Attorney _____ of the firm of: _____
- Respondent, in person and/or by Attorney _____ of the firm of: _____
- _____, in person and/or by Attorney _____ of the firm of: _____

[If a government agency is a party:]

- The child[ren] is/are is/are not [a] Native-American child[ren] subject to 26 U.S.C 1901 et seq., and [if so,] The following having been notified:
 - Parent/custodian Tribe/Nation/AK Native Village United States Secretary of the Interior and the tribe/nation/Alaska Native Village having:
 - not appeared;
 - appeared and participated as a party, declined to assume jurisdiction or requested transfer of jurisdiction;

and the court's having considered the petition and all documents annexed thereto, the testimony and other evidence offered in relation thereto, and the argument of the parties and their counsel,

THE COURT FINDS AND CONCLUDES as follows:

1. A child custody determination concerning _____ Name(s) and birth dates of child(ren) _____, was issued by the _____ Court of the State of _____ for the County of _____ on [date] _____ under case No. _____ and it has has not heretofore been registered and confirmed under *Wis. Stats.* §822.35.
2. Said child custody determination
 - has not been vacated, stayed, or modified by a court having jurisdiction to do so;
 - has been vacated, stayed, or modified by a court having jurisdiction to do so, to wit: _____
3. If the child custody determination has not been registered and confirmed under *Wis. Stats.* §822.35,
 - a. The court that issued the order did did not have jurisdiction under *Wis. Stats.* ch. 822, subch. II.
 - b. Respondent was was not entitled to notice, in the proceedings before the court that issued the order; [If so check applicable box:] and notice was given in accordance with the standards of §822.08 Stats., [or] but notice not was given in accordance with the standards of §822.08 Stats.
4. There is no factual basis on which to issue a Temporary Emergency Order under *Wis. Stats.* §822.24; or This Court may and should assume Temporary Emergency Jurisdiction, under *Wis. Stats.* §822.24, because the child(ren) is/are present in this state and [check one or both]
 - have been abandoned; and/or
 - there is an emergency in which it is necessary to protect the child(ren) because the child(ren) or a sibling or parent of the child is/are subjected to or threatened with mistreatment or abuse, to wit: _____

- 5. This Court has does not have jurisdiction to enforce the child custody determination, and petitioner is is not entitled thereunder to immediately physical custody of the child(ren) named above.
- 6. Because the out-of-state order provides no specific placement schedule, it is in the best interests of the child(ren) to establish a temporary schedule. A period of ____ months is adequate to obtain a permanent order from a court having exclusive continuing jurisdiction to issue a superseding permanent modification order.
- 7. Petitioner has incurred \$_____ in attorney fees, \$_____ of costs, and \$_____ in other expenses in prosecuting this enforcement proceeding, and respondent has not established that an award of any part thereof would be clearly inappropriate, except: _____
_____.

NOW, THEREFORE, IT IS ORDERED:

- A. The Petition for Expedited Enforcement is **granted**, and petitioner may take immediate physical custody of the child(ren), as follows [specify]:
- B. The child custody determination shall, further, be enforced as follows [specify implementing orders and/or other details]:
- C. Petitioner is granted *Temporary* placement of the child(ren) according to the following schedule, which temporary schedule shall expire ____ months from the date of this order:
- D. Upon the grounds shown in paragraph 4, above, the following Temporary Emergency Order, which shall expire ____ months from the date of this order, is made:
- E. The respondent shall pay the petitioner attorney fees of \$_____, plus costs of \$_____, and \$_____ for other expenses incurred in connection with this proceeding.
 Petitioner may apply within 30 days for a further award of fees, costs and expenses that either have not yet been incurred or were not known in sufficient detail to be proved at the hearing.
- F. All law enforcement officers in the State of Wisconsin are hereby requested to assist the petitioner in giving full effect to the orders set forth in this Order, and, in addition, to do the following:
- G. A further hearing is set for _____, 20__ at _____ am/pm, to determine whether the following additional relief is appropriate [specify]:
- H. The Petition for Expedited Enforcement is **denied** and is hereby dismissed, without prejudice to any remedies, if any, that petitioner may have in any other state or jurisdiction.
- I. [If case has Native American children] The petition is **dismissed** without prejudice, in light of the assumption of jurisdiction by _____ [and a government agency is a party.] the _____ tribe/nation/Alaska Native Village.
- J.

BY THE COURT:

Dated: _____

Circuit Court Judge / Family Court Commissioner