



FAMILY COURT SERVICES

320 S. Walnut St., Appleton, WI 54911-5985

Telephone: (920) 832-5660

Fax No.: (920) 832-4418

OUTAGAMIE COUNTY FAMILY COURT SERVICES POLICIES, PROCEDURES, & GUIDELINES

GENERAL RULES:

- No weapons will be brought into Family Court Services offices.
- No physical violence will occur while attending sessions through Family Court Services.
- Cell phones and pagers must be turned off while in the Family Court Services facility.

MEDIATION PAYMENT FEES:

- If requesting services without an order, the requesting party is responsible for the \$250 fee.
- If ordered by the court, follow what is written in the order. Usually fees are divided equally between the parents. Either party can apply for a waiver of the fees if necessary.

NO CONTACT FROM FAMILY COURT SERVICES IS MADE UNTIL:

- Family Court Services receives an order to mediation - orientation session letter is sent out when order is received.

When mediation fees are paid in full and one or both parties didn't attend the orientation session, a second reminder letter regarding the orientation is sent out within a week of the missed orientation group.

- If order states mediation "upon application" an orientation session letter is sent out after the first payment is received.
- When mediation is ordered or "upon application" and one of the parties does not pay his/her fee and/or attend the group then no additional correspondence is sent to the parties until 6 months from the date of the order or the date of the first payment if order is

“upon application by either party.” This letter goes to both parties and informs them who did not pay or attend the orientation session. If no response is made within 10 days from the date of the letter, the attorneys, GAL (if ordered), and the circuit court judge receives a green “mediation decision” sheet stating who participated and who did not. The fees are refunded.

- If there is no order for mediation, and the other party has not attended a group orientation, a letter is sent out after six months from the date of payment to the requesting party notifying them of the options they have. Fees are refunded 10 days after the date of the letter if there is no response.

MEDIATION ORIENTATION PROCESS:

"CHILDREN CAUGHT IN THE MIDDLE" AND "POSITIVE CO-PARENTING" PROGRAMS

The Children Caught in the Middle orientation is an educational seminar for a parent who has been in a long term relationship with the other parent. The parents who attend this group typically have older children. The educational seminar will cover the following areas: child developmental stages, how to keep the children out of the middle of parents' battles, and how to co-parent effectively when living in separate households.

Children Caught in the Middle is offered the second Thursday of every month via an in person class and the third Wednesday of the month via a Zoom class from 12:30 p.m. to 3:30 p.m.

The Positive Co-Parenting orientation is an educational seminar for a parent who has been in a shorter term relationship with the other parent. The parents who attend this group typically have younger children. The educational seminar will cover the following areas: brain development and child developmental stages, how to develop/promote the relationship of the children with both parents, how to keep the children out of the middle of the parents' battles, and how to co-parent effectively when living in separate households.

Positive Co-Parenting is offered the third Tuesday of every month from 12:30 p.m. to 3:30 p.m.

To register, please call (920) 832-5660 or send an email to joshua.escher@outagamie.org.

Cost: \$20 at the door – cash only for in person classes. \$40 via the payment portal for Zoom classes

Fee waivers are not available for these classes.

(NOTE: Effective 2/1/19 these classes are required to be re-taken every 5 years.)

HOW TO OBTAIN A COURT ORDER FOR THE MEDIATION PROCESS (WHEN MEDIATION IS NOT ORDERED):

- Requesting party is required to pay the entire mediation fee first.
- If the other party has indicated they refuse to cooperate, mediation order forms can be picked up at the Family Court Services office.

- Fill out the forms and take the forms to the Family Court Commissioner's office for approval.
- Take approved originals and copies to Clerk of Courts office for Filing. Clerk of Courts keeps the originals. Remaining copies are given back to the requestor.
- Requesting party is responsible for getting a copy to the other party and to Family Court Services.
- There is no filing fee.

MEDIATION PROCESS:

When both parties have attended the group orientation and the mediation fees are paid in full:

- Cases are assigned at the beginning of the month and the day following the group orientation (mid-month.)
- There is one "lifetime" free mediation session per family. Fees will be refunded in full if you only attend the one "lifetime" free mediation session and the mediators do not write the mediation agreement for the parents.
- No attorneys, current spouses, significant others, or children of the parties are allowed into mediation unless there is prior agreement by all parties and the mediators. We do not mediate anyone while they are incarcerated, including Huber Law residents.
- Generally, two mediators are assigned to each case.
- Each mediation session is 1 hour to 1½ hours long and are generally scheduled approximately two weeks apart, until there is an agreement, impasse, or request is withdrawn.
- Mediation is a confidential process unless allegations of abuse and/or neglect are made. If an allegation is made a referral will be made to Child Protective Services.
- Financial issues cannot be mediated.
- If one of the parties has to drive a considerable distance or is from out of state, a "marathon" mediation session (half day or full day) may be scheduled and will be considered as two or more sessions.
- If the parties reach an agreement, a mediation agreement is drafted and sent to the parties, their attorneys and GAL (if applicable) for their review. If the parties are in agreement after reviewing their mediation agreement, the mediators will sign the agreement and send the signed agreement to the attorneys for a stipulation to be drafted. If the case is a post action and no attorneys are involved, the mediators will attach a stipulation page for the Family Court Commissioner's signature in order for the mediation agreement to become an order.

- A green “mediation decision” sheet is sent to the judge of record, any attorneys and guardian ad litem involved when the case is closed.

PHONE MEDIATION:

Family Court Services will provide telephone mediation services. All policies and procedures for Family Court Services will remain in effect prior to and during the telephone mediation process.

- One of the parties must live greater than 200 miles from Outagamie County.
- One of the parties must be present in the Family Court Services offices for the telephone mediation session.
- The party who lives greater than 200 miles must pay for the telephone call and call into the Family Court Services office at the appointed time.
- Telephone mediation is a confidential process. No one other than the parties of the action may be present during the telephone mediation session.
- **There are two different ways phone mediation will occur:**
 - 1) Before a telephone mediation session is attempted, the parties must have had one face-to-face (in-office) mediation appointment in the Family Court Services offices. If further mediation sessions are needed for that action or future actions, telephone mediation may take place.

- OR -

 - 2) The party who lives greater than 200 miles from Outagamie County has access to a computer, internet access, Skype, an email account, webcam, microphone and speakers, may utilize Skype for all appointments. The party will call the office at the appointed time.

PERMISSION TO MOVE PROCESS IN DIVORCE/POST-DIVORCE CASES:

This policy is currently being reviewed.

~~If a parent plans to move 150 or more miles within the state, or out of the state, they need to:~~

- ~~— Send a notice of intent by certified mail a minimum of 60 days prior to the move to the other parent with a copy to the court. It must also be stated in the letter that the other parent may object, in writing, to the parent with a copy to the court within 15 days after receiving the notice.~~
- ~~— If there is an objection to the move, the Family Court Commissioner issues Family Court Services an order for mediation.~~

- ~~- The group orientation is not required in a permission to move.~~
- ~~- Once payment of \$250 or waived portion is paid in full, the case will be assigned.~~

PERMISSION TO MOVE PROCESS IN PATERNITY CASES:

This policy is currently being reviewed.

- ~~- The moving party should notify the non-moving party of their intent to move. If no agreement is reached or made into a legal judgment, the moving party should file for a post judgment hearing regarding modification of their current order. The court will order mediation if there is no agreement. Once the \$200 fee (or portion depending upon if there is a fee waiver) is paid, the case will be assigned.~~

EVALUATION PROCESS:

- When mediation reaches an impasse (an agreement is not reached), Family Court Services notifies the court, guardian ad litem, and the attorneys on a "mediation decision" form. One or both parties need to petition the court for a custody evaluation. No other work will be done by this department until Family Court Services has received a signed order to conduct a custody/placement evaluation and the \$700 up front retainer fee (\$350 per parent) is paid in full. There is an hourly cost of \$45 an hour that will be charged. It is each party's responsibility or their attorney to make sure Family Court Services has a signed court order.
- Many court orders will specify that each party is to pay a particular amount of money for the cost of the custody evaluation. If one party does not submit payment, the other party may pay the entire amount to begin the evaluation process. The current fee for our evaluation services is \$45 per hour with a \$700 retainer fee paid up front. Fees cover all face-to-face time, paperwork, phone calls, travel time, and court time. You may file a fee waiver form if you cannot afford the fee.
- Wisconsin State Law prohibits the mediator who has provided the mediation service from doing the custody evaluation unless the parents give consent. Once Family Court Services receives a signed court order and the payment in full, the Director will contact the parties to inquire as to whether one of the mediators may conduct the evaluation or someone unaware of their case may conduct the evaluation. If one or both parents object to the mediator doing the custody evaluation, it will be assigned to a third party within Family Court Services. The parties may also exercise their right to have another agency conduct the custody evaluation at an additional cost.
- The court will appoint a guardian ad litem for the children. The guardian ad litem is an attorney who makes a separate recommendation to the court based on a number of factors centering on the best interests of the child. The court appoints a guardian ad litem at the time a custody evaluation is ordered by the judge. There is an additional fee for the guardian ad litem.

- The evaluation process takes a minimum of 120 days to complete. There are numerous interviews scheduled including, but not limited to, a joint interview with both parents, individual interviews, home visits within Outagamie County or a surrounding county, interviews with significant others, and interviews with the children. The custody evaluation is submitted to the Court, with copies provided to the attorneys, guardian ad litem, and/or the parents if unrepresented, at the conclusion of the evaluation process. The Case Assessment & Conclusion is sent to the Court of Record, and may be reviewed by writing the Judge of Record. Once the court report is filed, an update is not done unless the Circuit Court Judge orders the update. Family Court Services' disclosure policy is:

DISCLOSURE – CUSTODY EVALUATION: Any attorney for any party, the Guardian ad Litem and any unrepresented party may obtain a copy of any custody and/or placement study in any case involving said Guardian ad Litem, attorney for any party or such party. Release of said report shall be subject to the following conditions:

(A) Said report shall not be reproduced in any fashion by said attorney, Guardian ad Litem, or unrepresented party.

(B) Any such attorney, Guardian ad Litem, or unrepresented party shall be advised that the contents of such report should not be disclosed to any person or persons other than a party to the case wherein the custody or visitation study has been made.

(C) Copies of such reports shall be returned to the Court upon completion of the case.

DISCLOSURE – CASE ASSESSMENT AND CONCLUSION: Any attorney for any party, the Guardian ad Litem and any unrepresented party may obtain a copy of the Case Assessment and Conclusion in any case involving said Guardian ad Litem, attorney for any party or such party, by submitting a written request to the Court, for a copy of said report. Release of said report shall be subject to the following conditions:

(A) Said report shall not be reproduced in any fashion by said attorney, Guardian ad Litem, or unrepresented party.

(B) Any such attorney, Guardian ad Litem, or unrepresented party shall be advised that the contents of such report should not be disclosed to any person or persons other than a party to the case wherein the custody or visitation study has been made.

(C) Copies of such reports shall be returned to the Court upon completion of the case.

STEPPARENT ADOPTION SCREENINGS/STUDIES:

Brief screening to gather information for the court. Consists of a single home visit in which the screener will:

- Interview the child's biological parent
- Interview the stepparent
- Interview the child/ren
- Ask for a tour of the home

Cost of screening/study is \$400.

PARENTING COORDINATOR SERVICE:

- Parents must both agree to participate in binding arbitration through Outagamie County Family Court Services – Parenting Coordinator Service.
- Parents must file Stipulation & Order for appointment of Parenting Coordinator with the Family Court Commissioner or Circuit Court Judge.
- Each parent must deposit \$500 with the Outagamie County Treasurer's Office within 10 days of the Order.
- Once an order for a Parenting Coordinator is received at the Family Court Services office, a letter will be sent to each of the parties regarding payment of the fees.
- Parenting Coordinator services will not begin until both parties have paid their fees.
- The parties must sign the agreement to work with the Parenting Coordinator.
- The parties will be charged \$50/hour for all work done on their case (i.e. interviews, phone calls, paperwork, reading files, court time, missed appointments, etc.).
- Should the retainer of \$1,000 become depleted to \$100, additional money will need to be paid to the Outagamie County Treasurer's Office before services may continue.
- The Parenting Coordinator will put in writing their decisions, and file their Finding & Order After Arbitration with the Court, attorneys, and the guardian ad litem.
- Any decisions made by the Parenting Coordinator are legally binding unless one or both parties files a petition for the court to review the Parenting Coordinator decision within 10 days of the written document.
- Any unused money will be refunded to the parties.

RECORDS REQUEST:

Any request for records must be in writing to the Director of Family Court Services. Upon the Director receiving the request for records, a response will be per Wisconsin Statute 19.35(4)(a).

When viewing Family Court Services records, the director or their designee must be present. There will be **no** photocopying or photo taking of records.