

How to Enforce a Placement Order

Placement is the time the child spends in the care of each parent. Most court orders provide a placement schedule of the times the children are to be with each parent. Placement schedules can vary from brief time with one parent and the remainder with the other parent to the same amount of time with each parent. Placement schedules also may provide for placement on holidays and vacations.

Court orders can be general or specific. Very general court orders (such as “reasonable times upon reasonable notice”) can be hard to follow or enforce. This can create conflict for the parents and stress for the children. Orders that spell out specific periods of placement with each parent can be helpful and can provide a safety net for parents and children to rely on if parents are not communicating well. Regardless of the specificity of a placement schedule, it is best for children if each parent is flexible and considerate of the child and other parent’s needs.

Neither parent should ignore a court order, and neither parent should take legal action unless necessary. You may want to try counseling or mediation before involving the court to avoid the cost and effect of conflict on you and your children. You may ask your county’s family court commissioner or clerk of court for information about court mediation or filing a court action.

If you're in a situation where there are repeated violations of your placement agreement, proper documentation detailing the violations is going to go a long way in helping your case. The more details you can provide, the easier it will be for you to make a case. Include dates, description of the circumstances, and any additional facts pertaining to the violation. If you have paperwork that backs up your claims, like a police report, make copies and provide them to the court.

If one parent is acting in violation of the placement order, the first step is to confirm what the actual court order describes in terms of placement.

Enforcing a vague placement schedule

Commonly, the court orders may be “reasonable times upon reasonable notice” but the parents have made a more specific informal agreement between themselves. Courts cannot enforce placement schedules that have not been documented as a court order, however. If this is the case, the person asking to have “reasonable times upon reasonable notice” placement enforced has a few options:

1. File Notice of Motion and Motion to Change Physical Placement

You can file a [Notice of Motion and Motion to Change Physical Placement](#) asking the court to add specific times and thus clarify your right to see your children. Under section three on the form, you can check substantial change ‘E’ - ‘There is not a placement schedule and the parties cannot agree’.

This document can be served on the other parent through the mail in most counties. Some counties require personal service. For instance, Eau Claire County requires personal service of all motions filed by unrepresented people. Ask your family court what service is required. If service is by mail, it must be mailed at least eight business days before the date of the hearing. A copy must be served upon all other parties at least five business days before the date of the hearing.

Note: Dane County has created a [specific set of forms and instructions](#) that can be used by unrepresented parents to ask the court to set specific periods of placement when the order describes placement "as agreed" or "on reasonable notice" and the parents are unable to agree on placement periods.

2. File a Request for Court Ordered Mediation

You can file a [Request for Court Ordered Mediation](#) to try to come to an agreement on a more specific placement schedule with your co-parent with the assistance of an impartial third party. Any agreement reached can then be filed with the court attached to a Stipulation to Change Placement form. If the court approves, the agreement then becomes part of your court order.

You can also use a private mediator for a fee. This will give you more scheduling flexibility and you and your co-parent can choose the mediator.

You can either request mediation before you file the Notice of Motion and Motion to Change Physical Placement or you can first file the motion, request the court date, and wait for the court to order the mediation, if necessary. The Notice of Motion and Motion to Change Physical Placement form asks you to tell the court whether you and your co-parent have already attempted mediation on the issue.

3. File an Order to Show Cause and Affidavit for Contempt

You can file an [Order to Show Cause](#) and [Affidavit for Contempt](#). These papers must be personally served on the other parent at least five business days before the hearing. If the court finds the other parent in contempt, the court can then make orders which include fines and jail time.

However, requesting a more specific placement schedule by filing a [Notice of Motion and Motion to Change Physical Placement](#) (see above) may ultimately get you closer to what you want. The possible contempt results (including fines and/or jail time) may persuade the other parent to settle or comply with the original order. But it doesn't modify the underlying placement order to make it more specific.

Enforcing a specific placement schedule

If the court order for placement is specific, such that you can identify which days/weekends/holidays you should have the child(ren), then you have a few options:

- You may want to remind the other parent of this order and give the other parent a copy of the order.
- You can take a copy of your 'authenticated order' (stamped by the Clerk of Courts indicating it is a true and exact copy of the court order) to the police station in your district at a time when you are supposed to have the child(ren). This is not necessarily an enjoyable option for anyone (parents, police). The police don't always understand court orders well and often will not want to get involved.

If you choose to file a Notice of Hearing and Motion to Enforce Physical Placement Order (see below), and the court issues an injunction ordering the other parent to comply with the placement order, you can ask the court to

order the sheriff to help you carry out the order. Law enforcement will be more likely to get involved if there is a court order allowing them to do so.

- You may file an [Order to Show Cause](#) and [Affidavit for Contempt](#). These papers must be personally served on the other parent at least five business days before the hearing. If the court finds the other parent in contempt, the court can then make orders which include fines and jail time. These possible results may persuade the other parent to settle or comply with the original order.
- You can file a [Notice of Hearing and Motion to Enforce Physical Placement Order](#). This document must be personally served on the other parent at least five business days before the hearing. A final hearing must be held within 30 days of service on the other parent.

This 'motion to enforce' can be filed if a parent who has been awarded physical placement of their child has either been denied placement or has had one or more periods of placement interfered with by the other parent, or has lost money as a result of the other parent's failure to exercise placement.

Using this motion, you can ask the court to do several things, including:

- Grant you additional periods of placement to replace those the other parent denied or interfered with
- Find the other parent in contempt
- Grant an injunction ordering the other parent to strictly comply with the placement order
- Require the other parent to pay you money to compensate you for any financial losses you suffered or expenses that arose from the other parent's actions in not following the placement order
- It is likely you and the other parent will be sent to mediation through this process. You could get a head start by filing a [Request for Court Ordered Mediation](#).

Note: If the other parent has taken the child and refuses to return them to you at all, then filing a [Notice of Hearing and Motion to Enforce Physical Placement Order](#) is appropriate.

Last updated on February 13, 2025.

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