



## Using Mediation in Legal Custody & Physical Placement Disputes

By statute, all disputes related to legal custody and physical placement of children must be referred for mediation to Family Court Services. The court may waive the requirement to attend mediation if there is an undue hardship or the health and safety of a parent would be at risk. The mediators are specially trained to assist the parties in reaching an agreement that is in the best interest of the family. Family Court Services Mediators **do not** mediate issues relating to property division, maintenance, child support, or other financial matters.

### PARTICIPATION

Participation may be ordered in three ways:

- An attorney by verbal request in a hearing or by letter request. The judge or commissioner reviews the request and drafts an order if he/she agrees.
- A parent by verbal request in a hearing or by completing the packet below. The judge or commissioner reviews the request and drafts an order if he/she agrees.
- A judge or commissioner may decide to order Mediation because he/she thinks it may be helpful without a specific request from a party or the party's attorney.

Once an order is drafted and signed by the judge or commissioner, the parties receive in the mail a copy of the order along with further instructions.

### NUMBER OF SESSIONS

The parties may continue in mediation until all parties agree that a final resolution is reached or until a party, the mediator, or the court believes mediation is no longer productive.

### FEE INFORMATION

See the [Fees](#) section for a complete list of FCS fees. The court generally determines which party will pay which portion of the fee, either before payment is made or at a later hearing. If not ordered by the court, each party is generally required to pay half the fee in pending divorce/legal separation actions. In all other actions, the requesting party is generally required to pay.

Below you will find the Instructions and all the forms you will need to get from the beginning to the end of this court process. You have the option to:

- Print the forms in PDF or
- Complete the Word Fillable forms on-line

Please keep in mind that not all forms are due at the same time. Review the Instructions (we recommend that you print it and keep it with your papers) to determine in what order to complete each form and other tasks required.

**Hint: ONLY COMPLETE THE TASKS IN THE ORDER THEY ARE LISTED-Read ahead, but do not work ahead.**

#### Request for Court Ordered Mediation Packet

Number	Name	Downloads
	<b>Instructions</b>	<a href="#">Link</a>
		<a href="#">PDF</a>
FA-4134	Request for Court-Ordered Mediation	<a href="#">Word</a>

#### Service Packet

Number	Name	Downloads
	<b>Instructional Guide</b>	<a href="#">Link</a>
	<b>Waukesha County Sheriff's Department-Service FAQ's</b>	<a href="#">Link</a>
FA-4119	Admission of Service	<a href="#">PDF</a>
		<a href="#">Word</a>
FA-4120	Affidavit of Service	<a href="#">PDF</a>
		<a href="#">Word</a>
FA-4121	Affidavit of Mailing	<a href="#">PDF</a>
		<a href="#">Word</a>

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[Legal Notices](#) | [Privacy Notices](#) | [Acceptable Use Policy](#) | [Contact](#)

## Family Legal Clinic

### Basic Facts

#### WHEN:

Wednesdays, 3:00 p.m.-4:30 p.m. (Please be advised that Legal Clinic is not held every Wednesday, please call to inquire as to dates/availability)

#### WHERE:

Family Division,  
Waukesha County Courthouse, Room C-153  
515 W. Moreland Blvd. in Waukesha

#### WHAT IS IT:

20 minutes of free legal advice with a volunteer attorney.

#### WHO IS ELIGIBLE:

Individuals with a Waukesha County family case, do not have an attorney, have never utilized the Family Legal Clinic before, have family court related legal questions and are in need of assistance. **Appointments are limited to 20 minutes. You are limited to 1 Legal Clinic Appointment.**

**Are you an attorney and want to volunteer? Click [here](#) for more information.**

#### HOW TO GET AN APPOINTMENT:

To make an appointment you may either send an email to [selfhelp@waukeshacounty.gov](mailto:selfhelp@waukeshacounty.gov) or call 262-548-7544 and leave a message. A staff person will assess the issue and get back to you as soon as we are able. **In your message please provide the following:**

1. Name and Phone number where you can be reached during the day:
2. Case Number(s):
3. Name of Other Party:
4. Name(s) of Children:
5. Do you have an attorney?
6. Have you previously used Waukesha County Legal Clinic?
7. Please explain why you want to see an attorney? What is it that you would like done?

### Before Your Appointment

#### Canceling/Rescheduling Appointments:

Appointments must be canceled or rescheduled by 12:00 p.m. on the date of your appointment by calling (262) 548-7544.

**\*\*If you do not call to cancel/reschedule your appointment in a timely manner you will be prohibited from registering again.**

#### To Prepare for Legal Clinic:

- You will most likely have to wait as other litigants are scheduled at the same time you are. Please bring something to read or do.
- Print or purchase forms, organize your notes/documents. It is only a 20 minute consultation so BE ORGANIZED!
- Review our website: [courtselfhelp.waukeshacounty.gov](http://courtselfhelp.waukeshacounty.gov) for free downloadable forms (forms can also be purchased in the Family Division).
- Bring a form of payment (cash/check/MasterCard/VISA) in the event you need to file documents and need to pay a filing fee after your consultation. We do have a copier onsite for use, it takes cash only and costs \$0.25 per page.

**Please note that our volunteer attorneys...**

- ...can help with how to word particular answers but cannot complete the forms for you.
- ...can only consult with those who do not already have an attorney.
- ...can only assist if questions are related to FAMILY court matters (divorce, legal separation, annulment, child support, maintenance/spousal support, family support, custody, or placement issues, post-judgment issues, temporary restraining orders).

The attorney client privilege only applies to conversation you have with the attorney in private. It does not apply to Family Division customer staff or the attorney when others are in the room.

**Upon arriving**

Check in at the front desk of the Family Division. The Customer Service Representative will have you read and sign a disclaimer form.

**\*\*This Program is Co-Sponsored by the State Bar of Wisconsin's Volunteer Lawyer's Project\*\***

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## Children's Bill of Rights in a Divorce/Legal Separation

Ten basic rights were established by the Wisconsin Supreme Court for children whose parents are divorcing/legally separating or already divorced/separated. They include:

1. The right to be treated as an interested and affected person and not as a pawn or possession.
2. The right to love each parent without feeling guilt, pressure, or rejection.
3. The right to love, care, discipline, and protection from both parents.
4. The right to not choose sides or be asked to decide where they want to live.
5. The right to express their feelings about the divorce, such as anger, sadness or fear.
6. The right to a positive and constructive ongoing relationship with each parent.
7. The right to not make adult decisions.
8. The right to remain a child, without being asked to take on parental responsibilities or be an adult companion or friend to parents.
9. The right to the most adequate level of economic support that can be provided by the best efforts of both parents.
10. The right to not participate in the painful games parents play to hurt each other or be put in the middle of their battles.



### General Information

Brenda Hofstetter  
Administrative Assistant  
262-548-7900  
[bhofstetter@waukeshacounty.gov](mailto:bhofstetter@waukeshacounty.gov)

### Case Questions

If your family is receiving services, please contact your assigned social worker directly.

Shari D'Acquisto  
Director / Family Court Social Worker  
262-548-7283  
[sdacquisto@waukeshacounty.gov](mailto:sdacquisto@waukeshacounty.gov)

Theresa Kelly-Ames  
Family Court Social Worker  
262-548-7285  
[tkelly@waukeshacounty.gov](mailto:tkelly@waukeshacounty.gov)

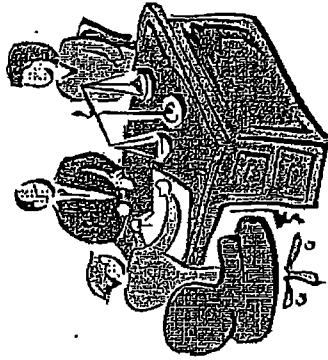
Vickie Kust  
Family Court Social Worker  
262-548-7287  
[vkust@waukeshacounty.gov](mailto:vkust@waukeshacounty.gov)

Deanna Stevingson  
Family Court Social Worker  
262-548-7297  
[dstevingson@waukeshacounty.gov](mailto:dstevingson@waukeshacounty.gov)

Janice Piper  
Family Court Social Worker  
262-548-7286  
[jpiper@waukeshacounty.gov](mailto:jpiper@waukeshacounty.gov)

Richard Wimmer  
Family Court Social Worker  
262-548-7282  
[rwimmer@waukeshacounty.gov](mailto:rwimmer@waukeshacounty.gov)

# Family Court Services



## Resolving Legal Custody & Physical Placement Disputes in Family Court

**Family Court Services**  
Waukesha County Courthouse  
Room C-335  
515 W. Moreland Blvd., Waukesha, WI 53188  
262-548-7900 Fax: 262-548-7705  
[www.waukeshacounty.gov](http://www.waukeshacounty.gov)  
**Office Hours:**  
Monday-Friday, 8:00 a.m. - 4:30 p.m.

## Family Court Services

Family Court Services (FCS) provides Waukesha County residents with mediation and evaluation services to help resolve legal custody and physical placement disputes in family court actions.

All Family Court Social Workers are certified with the State of Wisconsin and participate in ongoing education in topics relevant to conducting mediations and custody/physical placement evaluations/studies. Parents may only use/access the services offered by FCS if ordered by a judge or court commissioner.

## USING MEDIATION IN LEGAL CUSTODY & PHYSICAL PLACEMENT DISPUTES

By statute, all disputes related to legal custody and physical placement of children must be referred for mediation to Family Court Services. The court may waive the requirement to attend mediation if there is an undue hardship or the health and safety of a parent would be at risk. The mediators are specially trained to assist the parties in reaching an agreement that is in the best interest of the family. Family Court Services Mediators do not mediate issues relating to property division, maintenance, child support, or other financial matters.

## Participation in Mediation

Participation in mediation may be ordered as follows:

- An attorney by verbal request in a hearing or by letter request. The judge or commissioner reviews the request and drafts an order if he/she agrees.
- A parent by verbal request in a hearing or by completing the Request for Court Ordered Mediation form. The judge or commissioner reviews the request and drafts an order if he/she agrees.
- A judge or commissioner may order mediation after a party files an action related to legal custody or physical placement. The Court may decide to order Mediation because he/she thinks it may be helpful without a specific request from a party or the party's attorney.

## Number of Sessions

The parties may continue in mediation until all parties agree that a final resolution is reached or until a party, the mediator, or the court believes mediation is no longer productive.

## LEGAL CUSTODY & PHYSICAL PLACEMENT EVALUATIONS/STUDIES

If parents are unable to resolve all disputes regarding the placement and custody of their child(ren) in the mediation process, a Family Court Social Worker may be assigned to evaluate the family through conducting interviews, gathering collateral information, and completing direct observations.

In preparation, parents are each required to prepare a Proposed Parenting Plan to present to the assigned social worker. For more information about the Proposed Parenting Plan see the Parenting Plans in Family Court brochure. Both of which are available at

<http://courtsselfhelp.waukeshacounty.gov>.

Once the evaluation is concluded, a written recommendation is submitted to all parties to assist the family and the courts in reaching an agreement that serves the best interest of the child(ren).

**Participation in an Evaluation/Study**  
If after reviewing the case, a judge or commissioner believes a study would be helpful, he or she makes an order.

## FEE INFORMATION

(as of January 1, 2013)

**Mediation (1st session) FREE**  
**Custody and Physical Placement Evaluation \$1300.00**  
**Mediation (all sessions after initial free) \$100.00**

The court generally determines which party will pay which portion of the fee, either before payment is made or at a later hearing. If not ordered by the court, each party is generally required to pay half the fee in pending divorce/legal separation actions. In all other actions, the requesting party is generally required to pay.