**Divorce or Legal Separation, Part 1: RESPONSE & COUNTERCLAIM (RESPONDENT) – Milwaukee County**

**FILING AND SERVICE FEES**

* **$0** (no filing fee)
* **$90**: for service through the Milwaukee County Sheriff (**$0** with an approved Fee Waiver)
  + For service through sheriff’s departments outside Milwaukee County: **fees vary** by county (some accept approved Fee Waivers from outside their county; some do not).

**FORMS and COPIES NEEDED** (all originals AND copies must be single-sided)

* **Response and Counterclaim** (FA-4113V) 🡪 Original and 3 copies
* **Fee Waiver forms**, if you qualify 🡪 Original only (of both forms)
  + **Petition for Waiver of Fees & Costs – Affidavit of Indigency** (CV-410A)
  + **Order on Petition for Waiver of Fees & Costs** (CV-410B)
* (optional) **Forms to request a Temporary Order hearing 🡪** Original and 4 copies (of both forms)
  + *With minor children:* 
    - **Order to Show Cause with Minor Children** (FA-4128VB)
    - **Affidavit for Temporary Order with Minor Children** (FA-4128VA)
  + *Without minor children:*
    - **Order to Show Cause without Minor Children** (FA-4129VB)
    - **Affidavit for Temporary Order without Minor Children** (FA-4129VA)

**SECTION A: Requesting a Fee Waiver**

*If you can’t afford the filing or service fees and want to ask the court to waive the fees, complete the following steps. If you are not* *requesting a Fee Waiver, move to Section B.*

* **DO NOT sign or date the Fee Waiver until you are in front of a notary.** You can get documents notarized in Room 104 of the courthouse or at most banks and post offices. Bring your photo ID!
* **Get Proof of Income or Proof of Public Assistance/Benefits.**
  + If you think you qualify based on your income, you can show pay stubs, proof of unemployment, etc.
  + If you receive public assistance (FoodShare, BadgerCare, etc.), the easiest way to get the Fee Waiver approved is by showing the [MyACCESS Mobile App](https://www.dhs.wisconsin.gov/forwardhealth/myaccess.htm) on your phone. You can download the app at [www.dhs.wisconsin.gov/forwardhealth/myaccess](http://www.dhs.wisconsin.gov/forwardhealth/myaccess).
* Take both ***notarized*** fee waiver AND proof of income / public assistance to **Room 609 (Chief Judge’s Office).**

**SECTION B: Filing the Response and Counterclaim**

*Complete the following steps in order.*

* **Judge’s courtroom: \_\_\_\_\_\_\_\_\_\_**
  + File original documents and all copies with the judge.
* *If you are requesting a Temporary Order hearing:* 
  + **Room 707 (Family Court Commissioner):** Hand all remaining documents to the clerk. The court will give you a temporary hearing date. Make sure the hearing date is written on all paperwork and copies.
  + *If either spouse has ever received public assistance:* **Room 101 (Child Support Services).**
  + **Serve your spouse at least 5 business days before the Temporary Order hearing**: After you get copies with the hearing date back from the court, you need to get your spouse served with a copy of the Temporary Order paperwork so they know when the hearing is.
    - *If your spouse lives in Milwaukee County*, we recommend serving through the **Milwaukee County Sheriff’s Department** (**Safety Building, Room 102)**
    - *If your spouse lives outside of Milwaukee County*, we recommend serving through the Sheriff’s Department in that county or through a private process server in that county/city.
* *If you are not requesting a Temporary Order hearing:* 
  + Mail a copy to your spouse by **Certified Mail (return receipt requested)** at any Post Office branch.
  + Complete an **Affidavit of Mailing** form (FA-4121V). DO NOT sign or date until in front of a notary.

**SECTION C: Next Steps**

* *If you and your spouse have minor children together:* **Take one of the** [**Parent Education Classes**](https://www.milwaukeejusticecenter.org/parent-education-classes.html) **approved by the county**. For a list of approved providers, visit <https://www.milwaukeejusticecenter.org/parent-education-classes.html>.
* If got your spouse **successfully served**, you can **get started on “Part 2” of the divorce paperwork.** To get a final divorce hearing date, one of you will need to complete and file a second set of paperwork before your dismissal date. As the “Respondent” in the case, you do not need to complete the remaining paperwork if your spouse completes and files it on their own, though you can if you want to make your own proposals. However, if your spouse *does not* file any of the remaining paperwork and you want the case to proceed, it is your responsibility to complete and file the paperwork in their stead.
  + ***If you want our help with the forms***: Email the Milwaukee Justice Center at [mjcdivorce@gmail.com](mailto:mjcdivorce@gmail.com) to schedule a “Part 2” appointment. We do not offer walk-in assistance with Part 2s; you must have a set appointment.
  + ***If you want to complete the forms on your own****:* You can find the forms (and watch tutorial videos on how to complete them) at this website:<https://www.milwaukeejusticecenter.org/howtovideos.html>.
* If you were **not able to get your spouse served**, contact the Milwaukee Justice Center right away for help discussing your options. We cannot help you with Part 2 paperwork if you have not gotten your spouse served.