

DIVORCE OR LEGAL SEPARATION, PART 1: FILING SEPARATE WITHOUT MINORS MILWAUKEE COUNTY

FILING AND SERVICE FEES (may be waived with approved Fee Waiver)

- \$188: for filing
- \$75: for service through the Milwaukee County Sheriff, if applicable

FORMS and COPIES NEEDED

- **Summons without Minor Children** (Original and 6 copies)
- **Petition without Minor Children** (Original and 6 copies)
- **Confidential Petition Addendum** (Original Only)
- **Affidavit of Indigency** (“Fee Waiver”), if applicable (Original only)
- IF you need the court’s assistance to make a temporary order for maintenance, bill payment, division of personal possessions: : 1) **Order to Show Cause without Minor Children** and 2) **Affidavit for Temporary Order without Minor Children** (Original of both and 6 copies of both)

SECTION A: Requesting a Fee Waiver

If you intend to request that the Court waive the filing and service fees, complete the following steps. If you are not requesting a fee waiver, move to Section B.

- Get Proof of Income or Proof of Public Assistance
 - The Milwaukee County Law Library (Room G8-1) can help print proof of FoodShare
 - Other proof of income/assistance (1 mo. worth of pay stubs, SSI/SSDI statement, etc.) must come from your records or the issuing agency
- Take notarized fee waiver AND proof of income / public assistance to **Room 609 (Chief Judge’s Office)**

SECTION B: Filing Part 1 of the Action

Complete the following steps in order.

- File original documents and all copies in **Room 104 (Clerk of Court)**
 - Show approved fee waiver or pay the filing fee
- Bring remaining copies to **Room 707 (Family Court Commissioner)**
 - Provide the clerk a copy of all documents.
 - You will receive an Administrative Dismissal Date, which is NOT a court date. This is the deadline by which all remaining papers must be completed and filed or your case will be dismissed.
 - If requesting a temporary order, you will receive a court date. Write date on all copies.
- Within 90 days**, serve the other party a copy of the Summons, Petition, and Order to Show Cause (if applicable).
 - If the other party lives in Milwaukee County, you can serve through the **Milwaukee County Sheriff’s Department (Safety Building, Room 102)**
 - If you are unable to use the Milwaukee County Sheriff, you may attempt service in one of the following ways:
 - Sheriff’s Department in the county where the other party lives
 - A private process server

SECTION C: Next Steps

- If the other party **could not be served**, return to the Milwaukee Justice Center as soon as possible.
- If the other party **was served**, contact the Milwaukee Justice Center at **414-278-2912** to make an appointment to complete the remaining “Part 2” paperwork. No walk-in assistance is available for this.

Divorce / Legal Separation: FILING SEPARATELY WITHOUT MINORS

WHAT HAPPENS NEXT?

What we helped you with today, Part 1:

- Summons without Minor Children
- Petition without Minor Children
- Confidential Petition Addendum
- Order to Show Cause and Affidavit for Temporary Orders without Minor Children (if needed)

YOU HAVE ONLY 90 DAYS TO HAVE YOUR SPOUSE SERVED SUCCESSFULLY WITH THE PAPERS!

- Your spouse must be served personally and successfully within 90 days from the date you filed the first papers. You cannot serve your spouse by mail!
- We strongly recommend that a third-party, usually a Sheriff's Deputy or a private process server, physically deliver the Summons, Petition, Administrative Dismissal Date, and Order to Show Cause for Temporary Order Date (if needed) to your spouse.
- If your spouse could not be served, you must complete service by publishing notice in a newspaper. Return to the Milwaukee Justice Center as soon as possible for help. This must happen within the same 90-day deadline.

What you need to complete to get a pre-trial court date, Part 2:

- Proof of Service:
 - *Personal Service:* Affidavit of Service or Admission of Service of Summons, Petition, and Administrative Dismissal Date;
 - *Published Service:* Affidavit of Non-Service, proof of publication from the newspaper, and an Affidavit of Mailing.
- Request for Pre-trial
- Financial Disclosure Statement, with proof of income or benefits attached
 - One for the Petitioner only, if still not in agreement
 - One for each the Petitioner and Respondent, if both parties agree on everything
- Marital Settlement
 - *Proposed Marital Settlement without Minors:* if you and your spouse disagree on any terms
 - *Marital Settlement Agreement without Minors:* if you and your spouse agree on everything
- Interim Financial Summary: only if requesting maintenance
- Order to Appear
 - *Order for Pre-Trial/Order to Appear:* if you are filing separately
 - *Order to Appear:* if you are now in agreement on all terms
- Affidavit of Non-military Service
- Divorce / Annulment Worksheet (*not required* for a Legal Separation)
- Findings of Fact, Conclusions of Law, and Judgment without Minor Children

TO MAKE AN APPOINTMENT TO COMPLETE THE PAPERWORK, PLEASE CALL 414-278-2912.
THE MILWAUKEE JUSTICE CENTER SCHEDULES APPOINTMENTS 6-8 WEEKS IN ADVANCE.
PLEASE PLAN ACCORDING TO YOUR ADMINISTRATIVE DISMISSAL DATE!