FILING DIRECTIONS – **EVICTION SUMMONS & COMPLAINT**

|  |  |
| --- | --- |
| ***FORMS (& copies) YOU NEED:*** | ***COSTS/FEES:*** |
| ***Forms:***   * *Summons and Complaint, Small Claims—ENGLISH/SPANISH version required for Milwaukee County*  (Original + 4 copies) * *Milwaukee County Eviction “page 2”-* (Original + 4 copies) * *Declaration of Non-Military Service* (One copy for each person you are suing – no additional copies needed) * *Affidavit of Service of Termination of Tenancy* (Original only)   ***(optional) Fee Waiver forms:***   * *Petition for Waiver of Fees & Costs – Affidavit of Indigency* (Original only) * *Order on Petition for Waiver of Fees & Costs* (Original only) | ***Filing Fee:***   * $98 ($0 with an approved Fee Waiver)   ***Service Fee (through Milwaukee County Sheriff):***   * $90 ($0 with an approved Fee Waiver) |

|  |
| --- |
| ***GETTING A COURT DATE: General Process*** |
| 1. ***Get everything you need to file.*** All originals & copies must be single-sided. Bring money for the costs/fees and bring your photo ID if you need to get documents notarized. *If you are using a Fee Waiver, bring proof of income or public assistance.* 2. ***File everything in person at the courthouse*** (901 N. 9th St, open Monday-Friday from 8:30am-4:30pm).  * Room 609 🡪 If you’re using a Fee Waiver, get it approved. * Room 104 🡪 File the documents.   + - Show your approved Fee Waiver or pay the filing fee.  1. ***Serve each party you are suing.*** You need to have them served by a 3rd party (Sheriff or private process server recommended) with a copy of the Summons & Complaint that you filed (with the hearing date on it) at least 8 business days before your hearing. 2. ***Attend your hearing.*** If it is a remote hearing (through the Zoom video conferencing app), the court will give you instructions on how to join by video or phone. |

ADDITIONS TO MAKE TO YOUR FORMS & NOTES FROM YOUR APPOINTMENT

**– SMALL CLAIMS MOTION**

***Review everything carefully******and******make any additions listed in the chart.*** *Correct any other errors you see**(pay special attention to names, addresses, phone numbers, etc.). Then make any necessary copies.*

|  |  |
| --- | --- |
| ***FORM*** | ***ADDITIONS YOU NEED TO MAKE BEFORE FILING*** |
| **Summons and Complaint, Small Claims** | * Sign and date on last page before making copies. |
| **Eviction, Page 2** | * Sign and date at bottom of page. |
| **Declaration of Non-Military Service** | * Sign and date at bottom of page. |
| **Affidavit of Service of Termination of Tenancy** | * DO NOT sign until you are in front of a notary.  You can **get documents notarized in Room 104** of the courthouse (or in most banks). Bring your photo ID. |
| **(optional) *Fee Waiver* & proof of income or public assistance** | * DO NOT sign or date the Fee Waiver Petition until you are in front of a notary. You can **get documents notarized in ROOM 104** of the courthouse (or in most banks). Bring your photo ID. * **After you get the Fee Waiver notarized, go to ROOM 609**. To get it approved, you need to show proof that you can’t afford the fees. * If you receive public assistance, you can show the [MyACCESS Mobile App](https://www.dhs.wisconsin.gov/forwardhealth/myaccess.htm) on your phone for BadgerCare, FoodShare, etc. * If you think you qualify based on your income, you can show pay stubs, proof of unemployment, etc. |

* ***Other notes from your volunteers:***
* ***Printing/Copying at the Milwaukee County Law Library:*** The Law Library is located in **Room G-8** in the courthouse. They are now open **Monday-Thursday from 8:30am–4:30pm and Friday 8:30am - Noon**.
  + To call them with questions, their number is **(414) 278-4900**. You can also send the forms ahead of time to [MCLL.REF@wicourts.gov](mailto:MCLL.REF@wicourts.gov) and request that they be printed in advance for you.
  + The Law Library is charging $0.25 per page for self-service copies and $0.75 per page for copies printed by library staff. They accept cash, credit cards, and debit cards (minimum $3 for credit and debit card purchases)
* ***Serving the other party/parties:*** After you file your paperwork and get a hearing date, you need to get the other party served with a copy of the Summons & Complaint with the hearing date on it. You have until 8 business days before the hearing to get them served.
  + **Get the Proof of Service to your judge before the hearing**. The court may give you instructions on how to get the documents to them. If they don’t, we recommend making a copy of the proof of service document. Submit the original to Room 104 of the courthouse. **Keep the copy with you for reference during your hearing.**

**SERVICE METHODS:** Review the methods below and select the service option that is most appropriate for your situation. If you try to serve on your own, the court might not accept that service method as proper.

* ***Service through the Sheriff in the county where the other party lives.***
  + **Milwaukee County Sheriff’s Office:**
* After you file your motion, take all paperwork across to the Milwaukee County Sheriff’s Office in Room 102 of the Safety Building.
* Either pay the $90.00 service fee or show your approved Fee Waiver. Give them as much information on locating the other party as possible.
* For more info, visit <https://county.milwaukee.gov/EN/Sheriff/Divisions/Civil-Process>.
  + **Sheriff’s Department outside Milwaukee County:**
* Search the internet for “[*County name*, *State name*] Sheriff’s Department.” When you find a phone number, call them and tell them you are trying to serve Small Claims forms from Milwaukee, Wisconsin on the other party who lives in their county. You may be able to find more service information or arrange for service on the Sheriff’s website.
* Ask them to send the proof of service document to your home mailing address.
* The service fee in other counties may be different than in Milwaukee County. If you have an approved Fee Waiver, ask them if they will accept it.
* ***Service through a Private Process Server in the area where the other party lives.***
  + Search the internet for “[*County name*, *State name*] private process servers” to find a company that offers civil process services. Contact them and tell them you are trying to serve Small Claims papers from Milwaukee, Wisconsin on the other party. Ask them to send the proof of service document to your home mailing address.
  + Some companies will attempt up to 3 times to serve; others will attempt fewer times or more times than that. Private process companies typically don’t accept Fee Waivers, but the service fee through a private company may be cheaper than through the Sheriff.
  + Private process servers might “dig deeper” into finding someone who doesn’t want to be found. If you think the other party might try to avoid being served, you might have better luck with this method.