**MJC Remote Forms Clinic: Filing Instructions and Notes –**

**“PART 1” DIVORCE (OR LEGAL SEPARATION) – SEPARATE with MINOR CHILDREN**

**FORMS NEEDED**

* Summons with Minor Children
* Petition with Minor Children
* Confidential Petition Addendum
* (optional) Request for Temporary Order hearing paperwork

**ADDITIONAL ITEMS NEEDED**

* (optional) Fee Waiver & proof of income or public assistance

**COSTS/FEES\***

* **$198.00** for the filing fee
* **$85.00** for the Milwaukee County Sheriff to serve your spouse

**\*Can be waived with a Fee Waiver if you qualify**

**GENERAL PROCESS**

1. ***Get everything you need to file.***
2. ***File everything at the courthouse.***
3. ***Serve your spouse.***
4. ***Complete “Part 2” of the process.***

For detailed instructions, see the notes below.

1. ***Get everything you need to file.*** *Refer to the chart below for details.*
* **Review everything carefully** and **make any edits or additions listed in the chart.** Correct any other errors you see(pay special attention to names, addresses, phone numbers, etc.).
* **Sign and date** **the forms** **and make the copies according to the chart below**.
	+ **ALL ORIGINALS AND COPIES MUST BE PRINTED SINGLE-SIDED** (on one side of paper). The court will not accept documents that are printed on both sides.
	+ **PRINTING/COPYING SERVICES**: The Milwaukee County Law Library (Room G8 in the courthouse) is currently closed for all services due to the rise in Covid-19 cases. To call them with questions or to confirm when they will re-open, their number is (414) 278-4900. If you don’t want to wait and don’t have access to a printer, we recommend going to a local FedEx, Kinkos, etc. for printing/copying services.

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| **Form** | **Edits/Additions Needed** | **Copies Needed** |
| **Summons with Minor Children** |  | Original **+ 3 copies**  |
| **Petition with Minor Children** | * DO NOT sign or date the Petition until you are in front of a notary. See #2 below for info on getting documents notarized.
 | Original **+ 3 copies** |
| **Confidential Petition Addendum** | Question 1A: Add your social security number. Question 1B: Add your spouse’s social security number (if you know it).  | Just original  |
| **(optional) Request for Temporary Hearing paperwork** * Order to Show Cause with Minor Children
* Affidavit to Show Cause and Request for Hearing for Temporary Order
 | *(You only need this form if you want the court’s help making orders in your case while it is still pending/before your final divorce hearing)** DO NOT sign or date the Affidavit until you are in front of a notary. See #2 below for more info on getting documents notarized.
 | Original **+ 3 copies** |
| **Additional Items** | **Notes** |
| **(optional) Fee Waiver & proof of income or public assistance*** Petition for Waiver of Fees and Costs – Affidavit of Indigency
* Order on Waiver of Fees and Costs
 | * *If you receive public assistance or if you can’t afford to pay the fees because of your income, you can complete and submit the Fee Waiver form.*
* DO NOT sign or date the Fee Waiver until you arein front of a notary. You can get documents **notarized in** **ROOM 104** of the courthouse. Bring your photo ID.
* After you get the Fee Waiver notarized, you can get it **approved in ROOM 609** of the Courthouse.

*To get the Fee Waiver approved, you need to show proof that you can’t afford the fees.** If you receive public assistance, you can show the My Access phone application for BadgerCare or FoodShare, SSI eligibility letters, etc.
* If you think you qualify based on your income, you can show pay stubs, proof of unemployment, etc.
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1. ***File everything at the courthouse.***
* **Take all the forms, additional items, copies, and fees to Room 104** of the Milwaukee County Courthouse (901 N. 9th St., open weekdays from 10:00am to 3:00pm).
* **Get documents notarized.**
	+ If you need to sign any documents in front of a notary, there are notary publics available in Room 104. You could also get documents notarized at most banks and some post offices and package stores. Bring your photo ID when you get documents notarized.
	+ If you need to make copies of documents that need to be notarized, make the copies *after* you get the original notarized (or you’ll have to get the original and all the copies individually notarized).
* **After you file, the court will send you a Dismissal Date and a set of other paperwork**.
	+ The Dismissal Date is NOT a court date. It is the deadline to turn in the “Part 2” paperwork, which is the second set of forms you need to complete and submit before getting a divorce hearing date.
	+ If you requested a Temporary Order Hearing, the court will send you a hearing date and information about attending the hearing.
	+ It may take several weeks to hear back from the court. Please be patient. If it has been over a month since you filed and you have not received anything, either contact the court or contact us so we can try to help you figure out your next steps.
1. ***Serve your spouse.***
* After the court sends you the stamped, filed Part 1 documents that you submitted in Room 104, you need to get your spouse served with the following copies:
	+ **Summons with Minor Children**
	+ **Petition with Minor Children**
	+ Notice of Administrative Dismissal Date
	+ (optional) Temporary Order Hearing paperwork (which should have the court date on it)
* **You need to get your spouse *successfully* served within 90 days of the date you filed Part 1**. If you get close to that deadline and are still having trouble with service, please let us know so we can talk about what your next steps should be.
	+ ****If you requested a Temporary Order hearing, you should submit the proof of service that your spouse was served with that hearing date to Room 104. Keep a copy with you for reference during the hearing.
* Review the service options section below. ***CAUTION***: not all service methods are appropriate for all situations. If you’re not sure, e-mail us at mjcdivorce@gmail.com with questions.

***Based on your situation, selected below are your best options for serving your spouse:***

* ***Service through the Milwaukee County Sheriff*:**
* Either take the documents (and your approved Fee Waiver, if using one) **to Room 102 of the Safety Building** (located in the Milwaukee County Courthouse complex) **OR e-mail them to** **MCSOCivilProcess@milwaukeecountywi.gov****.**
* **For more info, visit**<https://county.milwaukee.gov/EN/Sheriff/Divisions/Civil-Process>.
* ***Service through the Sheriff in the county where your spouse lives:***
	+ Search the internet for “\_\_\_\_\_ County Sheriff’s Department.” When you find a phone number for the department, call them and tell them you are trying to serve Milwaukee County, Wisconsin divorce papers on your spouse in their county.
	+ 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:***
	+ Search the internet for “\_\_\_\_\_ County private process servers” to compare different private process service companies’ services and prices.Ask them to send the proof of service document to your home mailing address.
	+ Remember, private process companies generally do not accept Fee Waivers, so be ready to pay the service fees involved (they may be cheaper than through the Sheriff).
* ***Service through a neutral third person:***
	+ The person needs to be at least 18 years old and not be a party in the case.
	+ After the person hands your spouse the documents, they need to complete the **Affidavit of Service** form and sign and date that form in front of a notary.
* ***Service by Admission:***
* If you are confident your spouse will attend the divorce hearing, you can hand them the documents yourself.
* After you personally hand your spouse the documents, have them complete, sign, and date the **Admission of Service** form.
1. ***Complete “Part 2” of the process.***
* **Take the parent education class.** This is a required part of the process. You can find a list of approved providers [**here**](https://www.milwaukeejusticecenter.org/parent-education-classes.html)**.**
* **Complete the Financial Disclosure Statement (FDS).** This is one of the most important Part 2 forms. Because you will need to use most of the information in this form when completing all the other Part 2 forms, we recommend completing the FDS first.
	+ *If you want our help with the form*, you can schedule a Financial Disclosure Statement appointment by e-mailing mjcdivorce@gmail.com or calling 414-278-3965.
	+ *****If you want to complete the form on your own*, you can find it [**here**](https://www.wicourts.gov/forms1/circuit/ccform.jsp?FormName=&FormNumber=FA-4139V&beg_date=&end_date=&StatuteCite=&Category=&Language=&Format=). You can also find a series of video tutorials on how to fill out the Financial Disclosure Statement [**here**](https://www.youtube.com/playlist?list=PLsi-m_OJvHMe4I6ShDeqo1hno9Oe0sb2R).
* **Complete the rest of the Part 2 forms.** Once you get proof that your spouse was successfully served with the Part 1 forms, you can get started on the remaining forms.
	+ *If you want our help with the forms*, you can schedule a Part 2 appointment by e-mailing mjcdivorce@gmail.com or calling 414-278-3965.
	+ *If you want to complete the forms on your own*:
		- If you started separately and plan on continuing the process **separately**, you can find the forms [**here**](https://www.milwaukeejusticecenter.org/divorce-alone-with-minor-children-part2.html). You can also find a series of video tutorials on how to fill out the forms [**here**](https://www.youtube.com/playlist?list=PLsi-m_OJvHMe8EIRpyleQYue3XHKaTWRg).
		- If you started separately and plan on continuing the process **jointly**, you can find the forms [**here**](https://www.milwaukeejusticecenter.org/divorce-alone-with-minor-children-in-agreement.html). You can also find a series of video tutorials on how to fill out the forms [coming soon!].

***Other important information specific to your case:***