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

**“PART 2” DIVORCE (OR LEGAL SEPARATION) – DEFAULT (PUBLICATION) with MINOR CHILDREN**

**FORMS NEEDED**

* Financial Disclosure Statement
* Case Summary
* Proposed Marital Settlement Agreement
* Proposed Parenting Plan
* Declaration of Non-Military Service
* Divorce/Annulment Worksheet
* Findings of Fact, Conclusions of Law, & Judgment
* Parties’ Approval of Findings of Fact, Conclusions of Law, & Judgment
* (optional) Abridgement Regarding Surname

**ADDITIONAL ITEMS NEEDED**

* Proof of Service (Affidavit of Service, Proof of Publication, Certified Mail Receipt, *and* Affidavit of Mailing)
* Parent Education Class completion certificate
* 2 large manila envelopes and 8 stamps

**COSTS/FEES**

* **$5.00** for the court docketing fee (can’t be waived with a Fee Waiver)

**GENERAL PROCESS**

1. ***Get everything you need to file.***
2. ***File everything at the courthouse.***
3. ***Attend your hearing.***

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.**
	+ **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.

|  |  |  |
| --- | --- | --- |
| **Form** | **Edits/Additions Needed** | **Copies Needed** |
| **Financial Disclosure Statement** |  | Just original |
| **Case Summary** |  | Just original |
| **Proposed Marital Settlement Agreement** | *(If you/your spouse owns real estate, you need to print the document with the legal description of the property and attach it (+3 copies) as the last page of this form.)* | Original **+ 3 copies** |
| **Proposed Parenting Plan** |  | Original **+ 3 copies** |
| **Declaration of Non-Military Service** |  | Just original  |
| **Divorce/ Annulment Worksheet** | Add your social security # in Box 6. Add your spouse’s social security # in Box 12 (if you know it).  | Just original |
| **Findings of Fact, Conclusions of Law & Judgment** | Page 4, Section B, Question 1: Write the date you signed the Marital Settlement Agreement in the blank. | Original **+ 2 copies** |
| **Parties’ Approval of Findings of Fact** |  | Original **+ 2 copies** |
| **(optional) Abridgement Regarding Surname**  | *(You only need this form if one spouse wants to go back to a previous last name.)* | Original **+ 2 copies** |
| **Additional Items** | **Notes** |
| **EnvelopeNewspaperHousePoliceListProof of Service** | *These documents show the court you did all you could to get your spouse served with your “Part 1” documents, and it was still unsuccessful.* * Affidavit of Non-Service (from Sheriff or Process Server stating that service was attempted multiple times and spouse could not be found),
* Proof of Publication (“Publication Summons” must be published for 3 consecutive weeks in an approved newspaper. The first day of publication must be within 90 days of when you filed Part 1),
* Certified Mail Receipt (green sheet from post office showing that you mailed the documents to spouse’s last-known address),

***and**** Affidavit of Mailing (sworn, notarized statement that you mailed the documents to spouse’s last-known address).
 |
| **DiplomaParent Education Class completion certificate** | *After you complete one of the court-approved Parent Education classes, you should get a certificate of completion mailed or e-mailed to you. You need to file that certificate with the rest of your paperwork.*  |
| **2 large manila envelopes and 8 stamps** | *Address one envelope to one spouse and the other envelope to the other spouse. Put 4 stamps on each envelope. Don’t put anything inside the envelopes—you will file them with the rest of your paperwork, and the court will use them to send each of you the final divorce orders at the end of the case.* |
| **$5.00 for the docketing fee** | *This can’t be waived with a Fee Waiver.* |

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).
	* **After you file, the court will send you a hearing date and a set of other paperwork**. 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.
2. ***Attend your hearing.***
	* ****Your hearing will probably take place by phone or by Zoom (the audio and video conferencing service).The court will send you instructions on how to call in or join. Arrive early, dress nicely, and if your hearing is in person, do not bring children.

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