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

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

**FORMS NEEDED**

* Financial Disclosure Statement
* Request for Pre-trial
* Proposed Marital Settlement Agreement
* Proposed Parenting Plan
* (optional) Interim Financial Summary
* Order for Pre-trial/Order to Appear
* 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)
* Parent Education Class completion certificate
* 3 large manila envelopes and 12 stamps
* (optional) Fee Waiver & proof of income or public assistance

**COSTS/FEES**

* **$5.00** for the court docketing fee (can’t be waived with a Fee Waiver)
* **$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. ***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 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** |
| **Financial Disclosure Statement** |  | Original **+ 2 copies**  |
| **Request for Pre-Trial** |  | 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** |
| **(optional) Interim Financial Summary**  | *(You only need this form if one spouse is requesting spousal support or child support.)* | Just original  |
| **Order for Pre-trial/Order to Appear** |  | 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** |
| **PoliceHouseProof of Service** | *This is the document showing that you got your spouse served with the Part 1 documents (Summons & Petition) within 90 days of the date you filed Part 1. If you got your spouse served through the Sheriff or a private process server, the document will be called “****Affidavit of Service.****”*  |
| **ListDiplomaParent 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.*  |
| **3 large manila envelopes and 12 stamps** | *Put 4 stamps on each envelope. Address two of the envelopes to yourself. Address the third envelope to your spouse. Don’t put anything inside the envelopes—you will file them with the rest of your paperwork.*  |
| **(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).
	* **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. ***Serve your spouse.***
* After the court sends you the stamped, filed Part 2 documents that you submitted in Room 104, you need to get your spouse served with the following copies:
	+ Your **Financial Disclosure Statement**
	+ Your **Proposed Marital Settlement Agreement**
	+ Your **Proposed Parenting Plan**
	+ **Order for Pre-Trial/Order to Appear** (which will have the court date on it).
* **You need to get your spouse *successfully* served at least 5 business days before your court date**. 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.
* **Get the Proof of Service document 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.
* 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 those items to** MCSOCivilProcess@milwaukeecountywi.gov**.**
* For more info, visit the Sheriff’s Civil Process website[**at this link**](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. ***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:***

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