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

**DIVORCE (OR LEGAL SEPARATION) BY PUBLICATION**

***Things to consider before you decide to publish:***

*Publication is a last resort and can only be used if you can show that you tried all available methods to serve your spouse with the “Part 1” divorce documents and they were all unsuccessful.* Make sure you have tried all of these methods first:

* Service through the **Sheriff and/or a private process server** in the County where your spouse lives (or where their last-known address is).
	+ They will send you a document called “**Affidavit of Non-Service**” if they can’t get your spouse served. Save this document—you’ll need it for the rest of the process.
	+ If service through the Sheriff doesn’t work or if you know your spouse will try to avoid service, you might have better luck going through a private process server. They can serve at work or other locations your spouse might go to and are generally willing to do some digging to figure out your spouse’s whereabouts.
* Service through a **friend or family member** (or another adult 18 or older who is not a party in the case) who personally hands your spouse the documents and then signs an **Affidavit of Service** form in front of a notary
* Service by admission if **you personally hand your spouse the documents** and have them sign an **Admission of Service** form.

**COSTS/FEES**

* **$150 or $190** for the publication fee (can’t be waived with a Fee Waiver)

**FORMS NEEDED**

* Publication Summons
* Publication Affidavit of Efforts to Serve Respondent
* Publication Affidavit of Mailing

**GENERAL PROCESS:**

1. ***Get everything you need to file.***
2. ***File everything at the courthouse.***
3. ***Mail documents to your spouse’s last-known address.***
4. ***Publish in an approved newspaper.***
5. ***Complete “Part 2” of the process.***
6. ***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.

|  |  |  |
| --- | --- | --- |
| **Form** | **Edits/Additions Needed** | **Copies Needed** |
| **Publication Summons** |  | Original **+ 3 copies**  |
| **Publication Affidavit of Efforts to Serve Respondent** | * 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.
 | Just original |
| **Publication Affidavit of Mailing** | *Some questions/sections on this form may not be relevant to your situation. Fill out the form as much as possible.* * 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.
 | Just original |

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 in Room 104, the court will give you copies of the filed and authenticated Publication Summons.**
1. ***Mail documents to your spouse’s last-known address.***
* After you get the Publication Summons you filed in Room 104 back from the court, you need to **mail to your spouse’s last-known address a copy of the Summons and Petition** (the original documents you filed in “Part 1” of the process and tried, unsuccessfully, to get your spouse served with).
* To mail the documents above to your spouse’s last-known address, **go to any post office branch** and mail the documents **by regular mail *AND* by certified mail.**
	+ When you mail by certified mail, ask for a return receipt so you can show the court proof that you used this method.Save the green receipt for your final court date.
1. ***Publish in an approved newspaper.***
* **Take a copy of the filed and authenticated Publication Summons you got back from the court to an approved newspaper** in Milwaukee County (if your spouse lives here). The notice must run once a week for 3 consecutive weeks.
	+ *If your spouse lives outside of Milwaukee County or their last-known address is in a county outside Milwaukee, you need to publish in that county, according to their publishing requirements.*
* The two cheapest approved newspapers (that we know of) for Milwaukee County are **The Milwaukee Community Journal** and **The Daily Reporter**. Both papers require payment upfront. Other than cost, we know of no differences between the papers. Here is the contact and pricing information for those two papers:

**The Milwaukee Community Journal**

3612 N. MLK Dr. Milwaukee, WI 53212

(414) 265-5300

Cost**: $150.00** for all three weeks

**The Daily Reporter**

225 E Michigan St. #540, Milwaukee, WI 53202

(414) 276-0273

Cost: **$190.00** for all three weeks

* ***You need to get your spouse served within 90 days of the date you filed Part 1****.* For publication, the date of service is the first day that the newspaper puts out your Publication Summons.
	+ If you get close to the service deadline and are still having trouble with publication, please let us know so we can talk about whether you can request an extension of time to serve.
* **After the newspaper has run the last notice on the third week, they will send you “Proof of Publication.”** Save that document—you’ll need it to complete Part 2 of the process.
1. ***Complete “Part 2” of the process.***
* **Take the parent education class** (if you share minor children with your spouse).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 of Publication, 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. Bring all documents, receipts, copies, etc. listed above to that appointment.
	+ *If you want to complete the forms on your own*:
* If you have minor children with your spouse, you can find the forms [**here**](https://www.milwaukeejusticecenter.org/divorce-alone-with-minor-children-default.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_OJvHMcqY3qaWSyYONzcfrM_fKrQ).
* If you do not have minor children with your spouse, you can find the forms [**here**](https://www.milwaukeejusticecenter.org/divorce-alone-without-minor-children-part2-default.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_OJvHMfw9pUjgFOJIlOThNaM9enu).

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