“PART 1” DIVORCE (OR LEGAL SEPARATION): **RESPONSE AND COUNTERCLAIM**

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| ***FORMS (& copies) YOU NEED:*** | ***COSTS/FEES:*** |
| ***Divorce forms:***   * *Response & Counterclaim* (Original + 3 copies)   ***Other forms:***   * *Affidavit of Mailing* (Original only)   ***(optional) Temporary Order Hearing paperwork:***   * *Order to Show Cause* (Original + 3 copies) * *Affidavit for Temporary Order* (Original + 3 copies)   ***(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:***   * $0 (there is no filing fee for the Response & Counterclaim)   ***Service fee (through Milwaukee County Sheriff):***   * $90.00 ($0 with an approved Fee Waiver) |

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| ***Response and Counterclaim: 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 Milwaukee County Courthouse*** (901 N. 9th St, open Monday-Friday 8:30am-4:30pm).  * Room 609 🡪 If you’re using a Fee Waiver, get it approved. * Room 104 🡪 File the documents. * Room 707 🡪 Take the remaining paperwork to the clerk in the Family Court Commissioner’s Office.   + If you requested a Temporary Order Hearing, you will get a hearing date. If the hearing is remote, the court will give you instructions on how to join.  1. ***Send a copy to your spouse.***  * Mail a copy of the filed Response & Counterclaim form to your spouse by **Certified Mail**. Request a return receipt. * After you mail a copy to your spouse, **complete an *Affidavit of Mailing* form**. * If you requested a Temporary Order Hearing, get your spouse personally served with the documents at least 5 days before the hearing date. * Safety Building, Room 102 🡪 *If your spouse lives in Milwaukee County*, we recommend serving through the [Milwaukee County Sheriff](https://county.milwaukee.gov/EN/Sheriff/Divisions/Civil-Process). * Show your approved Fee Waiver or pay the service fee. * For other service options, refer to our “Service Options: Part 1” sheet. |

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| ***QUESTIONS?*** |
| * *Find the forms, instructions, and how-to videos to answer your own questions:* [*https://www.milwaukeejusticecenter.org/howtovideos.html*](https://www.milwaukeejusticecenter.org/howtovideos.html) * *Schedule an appointment with the Milwaukee Justice Center for help with Part 2 documents, service questions, etc.: Call (414) 278-3965 or Email* [*mjcdivorce@gmail.com*](mailto:mjcdivorce@gmail.com)*. (email recommended).* |