“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**. (email recommended).*
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