

### What is a courtesy copy?

This is a paper copy of your e-filed document delivered by mail or dropped off with the judge's admin assistant assigned to your case well in advance of the court date. The Domestic Relations division is on the 3<sup>rd</sup> floor of the DuPage County Courthouse near the large windows.

Hon. Judge (Name)  
Domestic Relations Division  
505 N. County Farm Rd  
Wheaton, IL 60187

### When do I need to deliver a courtesy copy?

Typically, any e-filed document needs to be delivered to the judge assigned to your case. This includes:

- Petition for Dissolution of Marriage
- Your spouse's Appearance
- Motion to Continue
- Financial Affidavits (these are not e-filed, however the judge should receive a copy of your affidavit well in advance of your court date).

### What's a Certificate of Dissolution of Marriage?

Before the judge assigned to your case grants you a divorce, you must complete a certificate. This certificate will be handed to you by the judge's clerk. It will ask you for information about yourself and your spouse like your names, addresses, the last four digits of your social security numbers, and phone numbers. It is then sent to and used by the State of Illinois for statistical purposes.

# Getting a Divorce

## Some Frequently Asked Questions & Answers

### For litigants coming to court without legal representation



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Prepared by the DuPage County Law Library

### What are the grounds for divorce?

Illinois is a **no fault** divorce state. This means neither party takes responsibility for causing the marriage to break down. Illinois only requires that "irreconcilable differences" exist causing the divorce.

### What are "irreconcilable differences"?

Irreconcilable differences are problems that exist within the marriage and because of them you and your spouse no longer get along.

### Is there a fee for filing a divorce?

There is a fee for filing a divorce. This is called a filing fee. Your spouse will pay a separate fee if they want to appear in court. This is called an appearance fee. For more information, please visit this site: <https://www.dupageco.org/CourtClerk/3080/>

### Can I have the fees waived?

Based upon your total income, you may not have to pay your filing fees. An application is available online through this website <http://www.illinoiscourts.gov/Forms/forms.asp>.

### How do I begin?

If you are asking for a divorce without legal assistance this is called representing yourself "**pro se**". It means you will be responsible for filling out divorce forms, e-filing them, notifying your spouse about court dates, and coming to court.

### Where are the divorce forms?

Divorce forms are available online at [www.IllinoisLegalAid.org](http://www.IllinoisLegalAid.org) and [www.IllinoisCourts.gov/Forms/forms.asp](http://www.IllinoisCourts.gov/Forms/forms.asp). You can make paper copies in the library. Please know there is a **10¢/pg fee to print**.

### What is the difference between the sites?

The **Illinois Legal Aid** website will create all the forms needed in a typical divorce. It is a free document preparation program. Answer the program's questions. The forms are generated for you at the end. It takes about 1-2 hours to complete. **You cannot print these forms off until you've answered all of the questions.**

The **IllinoisCourts.gov** website has printable divorce forms that you can print off at any time. However, this website provides **only the basic forms needed** in a divorce – you may need additional forms based on your unique situation. If you don't have all of your forms, the judge may order you to come back on another date.

It is recommended to use the Illinois Legal Aid [www.IllinoisLegalAid.org](http://www.IllinoisLegalAid.org) website. Complete the program, email yourself the documents, **print off only the forms you need to e-file**, and then e-file them. The additional forms will be in your email if you need them in the future.

### Can I use the websites from home?

Yes, because you may not have all of the required information, it is recommended to complete the program from home. Both websites can be used on any computer with internet. E-filing your documents can be done from home too if you have a printer and scanner.

### Can I use the websites at the courthouse?

Yes, the law library on the 2<sup>nd</sup> floor of the courthouse has computers you can use. If you plan on completing your divorce forms in the library please:

- bring information like current addresses, property and bank account details with you.

- know your email account username and password.
- have cash on hand.

### Is there a fee to print/copy in the library?

Yes, there is a **10¢/pg fee to print** or copy. We charge for printing because the library is not funded by the county and this is one way we receive income. **Only cash is accepted.** Wallets, cash, and coins are allowed through courthouse security.

### I've completed the program, now what?

A PDF with all of your forms will become available. Download the PDF. Attach it to an email and send it to yourself. That way, you will always have a copy for your records.

You can print off all the forms or just the ones needed to e-file. You are now ready to e-file.

### What is e-filing?

Most court documents need to be filed, or recorded, with the Circuit Clerk's Office. Your paper documents are scanned and uploaded to [www.i2file.net](http://www.i2file.net). The DuPage County Circuit Clerk's Office reviews them. If approved, the documents receive an official stamp. These official documents can then be sent to the other party – your spouse in this case.

### Do I need a Summons?

A summons will automatically be made for you through the Illinois Legal Aid program. You may or may not need to have your spouse served by the Sheriff. Instructions will be available through the program.

### Does my spouse have to come to court?

If you aren't sure where your spouse is, please read the **'Your Spouse Cannot Be**

**Found and You Want A Divorce'** article on the Illinois Legal Aid website.

If your spouse agrees to the divorce, has looked over all of the documents and does not want to appear in court, they can waive their right to be present in court by having a **'Waiver of Summons & Entry of Appearance'** signed and notarized. Your spouse returns it to you and you e-file it. However, both spouses will be responsible for following any orders entered by the judge.

### What is a 'prove up'?

A prove up is done in court in front of the judge. Each party present will be asked to testify to the information provided in your documents.

### Why do I need to testify?

Testifying makes sure that the parties agree and understand the terms of the divorce, if and how any property (marital or non-marital) was divided, and what will be included in the court's final order. The marriage may be dissolved and your divorce granted at the end of prove up.

### What if I can't make my court date?

You may not change a court date over the phone. If there are more than seven (7) days before the originally set date, please use the **'Changing a Court Date'** program on the Illinois Legal Aid website to complete the correct forms.

Then call the Domestic Relations case scheduler at (630) 407-8854. E-file the Notice and Motion. Once approved, send both documents to your spouse the same day before 5:00 pm. Deliver a courtesy paper copy to the judge's secretary.