

Divorce with Children (not agreed)

Where are the online divorce forms?

<http://www.illinoiscourts.gov/forms/approved/divorce/divorce.asp>

Where is the online child support calculator?

<https://cscwebext.hfs.illinois.gov/CscWebEx/app/csc?execution=e2s1>

Frequently Asked Questions & Answers:

Q. What is a “not agreed” divorce?

A. A “*not agreed*” divorce means that there is at least one (1) divorce issue you and your spouse cannot agree on. These issues include: the amount of child support, the amount of spousal maintenance, dividing parental responsibilities (custody) and parenting time (visitation), and dividing marital property.

Q. Where can I find the divorce forms?

A. All the forms you need are available online at two websites: 1). the Illinois Supreme Court’s website <http://www.illinoiscourts.gov/forms/approved/divorce/divorce.asp>; and 2). the Circuit Court forms website <http://www.dupageco.org/CourtClerk/CourtForms.aspx>.

Q. What is the child support calculator?

A. The *Illinois Department of Healthcare & Family Services* (IDHF) provides a calculator for parents to use if the amount of child support between the parents cannot be agreed upon. Parents should complete the calculations **before** coming to court. It is the parents’ responsibility to calculate child support – not the Judge’s responsibility.

Q. How do I access the child support calculator?

A. The calculator is free and available at <https://cscwebext.hfs.illinois.gov/CscWebEx/app/csc?execution=e2s1>. You will need to bring 3 copies of your calculations to court: one (1) for the Judge, one (1) for your spouse and one (1) for you.

Q. Do I have to use the child support calculator?

A. Yes, if you and your spouse can’t agree on the amount of child support you must use this calculator to estimate the amount of child support **before** coming to court. For more information, please read instruction #21 below.

Q. What do these terms mean: petitioner, respondent, summons, and appearance?

A. Petitioner: the spouse who starts the case by completing and filing the Petition
Respondent: the other spouse who can respond, or answer, the petitioner’s Petition
Summons: the form given by the Petitioner to the Sheriff to notify the Respondent of the court date
Appearance: filed by the Respondent letting the Judge know they plan on coming to court to represent themselves

Instructions

1. Complete the ***Petition for Dissolution of Marriage***.
 - ✓ Only the petitioner completes the Petition.
 - ✓ Follow the instructions in the side margins.
 - ✓ A case number cannot be entered at this stage - leave this space blank for now.
2. If there is **disagreement** about the divorce - complete the ***Summons***.
 - ✓ The petitioner completes the Summons with as much information as possible.
 - ✓ The Summons lets the respondent know about the petitioner’s intent to file for divorce and how long they have to respond to the divorce by filing an Appearance.
 - ✓ A case number cannot be entered at this stage - leave this space blank for now.
3. E-file the ***Petition for Dissolution of Marriage online***.
 - ✓ The petitioner e-files the Petition.
 - ✓ To e-file online visit <https://il.i2file.net/#/>
 - ✓ For assistance regarding e-filing:
 - ☒ Read the brochure on “*How to E-file your Court Documents Electronically*” <https://www.dupageco.org/lawlibrary/>
 - ☒ Visit the Circuit Clerk’s Office on the 1st floor of the Courthouse.
 - ☒ Contact the Circuit Clerk’s Office at (630) 407 – 8700.

Instructions – cont'd

4. The petitioner pays any necessary filing fees after the Petition is e-filed.
5. After the filing fees are paid, the petitioner can download a copy of the Petition from their e-filing account.
6. This copy of the Petition will have a date stamp, seal and case number on it from the Circuit Clerk's Office.
7. The petitioner adds the case name, case number and address of the spouse to be served to the Summons.
8. Then, the petitioner files the Summons with the Circuit Clerk's Office and pays any necessary fees.
9. After the Summons is filed and fees are paid, a Sheriff's Deputy will attempt to serve the respondent with a copy of the Petition and Summons at the address specified on the Summons.
 - ✓ The petitioner should ask the Circuit Clerk's Office how they will be notified if service is successful.
 - ✓ The Summons and Petition will need to be served by the sheriff of the county where the respondent lives or works (or where service will be made).
 - ✓ If the respondent does not live or work in DuPage County, the DuPage County sheriff likely cannot serve him/her.
10. The Sheriff will return the Summons indicating whether service was successful or unsuccessful.
11. If service was successful, the respondent will have time to complete and file their *Appearance*.
 - ✓ The respondent should refer to the Summons to see how long they have to complete and e-file their Appearance.
 - ✓ There is a fee to e-file the Appearance.
 - ✓ For assistance regarding e-filing, there are multiple helpful resources:
 - ☒ Read the brochure "How to E-file your Court Documents Electronically" available on the law library's website (<https://www.dupageco.org/lawlibrary/>).
 - ☒ Visit the Circuit Clerk's Office on the 1st floor of the Courthouse.
 - ☒ Contact the Circuit Clerk's Office at (630) 407 – 8700.
 - ☒ Both parties are notified through their e-filing accounts if/when an Appearance has been filed.
12. If service was *unsuccessful*, the petitioner can have another summons served on the respondent called a *Praecipe Summons*.
 - ✓ A Praecipe Summons is available online at <https://www.dupageco.org/CourtClerk/CourtForms/> form # 3240.
 - ✓ The petitioner should still come prepared to the initial court date and bring the Return Summons with them to court.
 - ✓ The Return Summons will show the Judge that a Summons was properly e-filed but service was not completed.
13. The Circuit Clerk's Office will provide instruction regarding how a court date is set.
 - ✓ An automatic initial status date is set within approximately 60 days of the date of filing of the Petition for Dissolution of Marriage.
14. According to Local Court Rule 15.05 - *Discovery* both parties have 30 days after the respondent files the *Appearance* to complete a *Financial Affidavit*.
 - ✓ This document asks about your financial situation including income, assets and property.
 - ✓ The Affidavit is online http://www.illinoiscourts.gov/Forms/approved/divorce/financial_affidavit.asp
 - ✓ An Affidavit is completed by each spouse individually.
 - ✓ Each spouse then sends a copy of their Financial Affidavit to the other spouse within 30 days of the Appearance being filed.
15. For more information regarding Rule 15.05, please visit the courthouse library or go online to <http://www.dupageco.org/Courts/LocalCourtRules/2649/>.
16. Once sent, each spouse completes a *Proof of Delivery* to confirm a copy of the Affidavit was sent.
 - ✓ The Proof of Delivery form is online http://www.illinoiscourts.gov/forms/approved/procedures/Proof_of_Delivery.asp
 - ✓ The Proof of Delivery should be completed and e-filed with the Circuit Clerk's Office within seven (7) days of serving the Financial Affidavit.
 - ✓ The Financial Affidavit is NOT e-filed – only the Proof of Delivery is filed.
17. If no Appearance has been filed, the Financial Affidavit does not have to be sent to the respondent.

Instructions – cont’d

18. According to Local Court Rule 5.12 – **Electronic Service, Courtesy Copies and Filing Proof of Service** paper copies of court documents should be delivered to the Judge assigned to your case **WELL IN ADVANCE OF YOUR COURT DATE**.

- ✓ The **petitioner** should mail or drop off copies of their Petition, Summons, Financial Affidavit (along with all necessary financial documents), and Proof of Delivery to the Judge hearing the divorce.
- ✓ The **respondent** should mail or drop off copies of their Appearance, Financial Affidavit (along with all necessary financial documents) and Proof of Delivery to the Judge hearing the divorce.
- ✓ For more information regarding Rule 5.12, please visit the courthouse library or go online to: <http://www.dupageco.org/Courts/LocalCourtRules/2624/>

19. Copies can be mailed or hand delivered to the Judge’s Secretaries at the below address:

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

20. Complete the **Parenting Plan**.

- ✓ The Parenting Plan **MUST** be completed before coming to court whether parents agree or disagree to its terms.
- ✓ Both spouses can complete their own parenting plan and present them separately in court. If spouses **do not agree** about the Parenting Plan, check the box at the top of the Parenting Plan “Petitioner’s Parenting Plan” if you are the Petitioner, or, “Respondent’s Parenting Plan” if you are the Respondent.
- ✓ Parties may bring relevant photos and documents to show the Judge.
- ✓ If you bring pictures or documents bring the original for the Judge and copies for you and your spouse.
- ✓ **Do not forget to bring the completed Parenting Plan with you to court.**

21. Estimate the amount of child support.

- ✓ Estimate the amount of child support if you and your spouse have not agreed to an amount.
- ✓ To estimate, visit the Illinois Healthcare & Family Services child support estimator. The link is below. <https://cscwebext.hfs.illinois.gov/CscWebEx/app/csc?execution=e2s1>
- ✓ You will need **your** financial information **and your spouse’s** financial information.
- ✓ This information can be found in the Financial Affidavit sent to you by your spouse.
- ✓ Complete the estimator and print off 3 copies – one for you, the Judge, and your spouse.
- ✓ **Do not forget to bring copies with you to court.**
- ✓ If you are not able to estimate child support, you may be asked by the Judge to do so on your court date.
- ✓ **There is a 10¢/pg fee to print in the courthouse – CASH ONLY.**

22. Complete the necessary forms for Maintenance and Child Support.

- ✓ These forms are the:
 - **Order of Support**
 - **Support Information Sheet**
 - **Income Withholding for Support**
 - **Letter to Employer**
- ✓ All these forms are online <http://www.illinoiscourts.gov/Forms/approved/divorce/divorce.asp>
- ✓ Each spouse can complete and present these forms separately if they disagree on amounts.
- ✓ Parties may bring relevant photos and documents to show the Judge.
Bring the original photos/documents for the Judge and copies for you and your spouse.
- ✓ **Do not forget to bring these completed forms with you to court.**

23. Complete the **Judgment of Dissolution with Children**.

- ✓ The petitioner completes this form.
- ✓ To access this form: <http://www.illinoiscourts.gov/Forms/approved/divorce/divorce.asp>
- ✓ Follow the instructions in the margins.
- ✓ **Do not forget to bring the completed Judgment with you to court.**

Instructions – cont'd

24. Complete and bring the *Certificate of Dissolution of Marriage* to your court date.

- ✓ This Certificate is available on <https://www.dupageco.org/CourtClerk/CourtForms.aspx>. In the form number box, enter “4372”. Enter as much information as possible and print off one copy.
- ✓ Both parties MUST bring their social security numbers to court to complete this form.
- ✓ **Do not forget to bring a copy of the Certificate and social security number with you to court.**

25. Complete the required Parenting Class BEFORE your court date.

- ✓ The class is available online.
- ✓ Visit https://www.dupageco.org/Community_Services/Family_Center/1616/ for more details.
- ✓ There is a fee to take this class.
- ✓ **Each parent completes this program separately.**
- ✓ Once you successfully finish the class, print off your Certificate of Completion.
- ✓ Bring this Certificate with you to show the Judge in court.
- ✓ You MUST bring your Certificate with you on your court date.
- ✓ **Do not forget to bring a copy of the Certificate of Completion with you to court.**

26. At this point, you are ready to come to your court date.

27. See below for a general checklist of documents to bring to your court date. Check off each as completed.

- Filed *Petition for Dissolution of Marriage* [3 copies]
- Filed *Summons & Return of Summons* [3 copies]
- Filed *Entry of Appearance* [3 copies]
- Completed *Financial Affidavit* [3 copies]
- Filed *Proof of Delivery* for the Financial Affidavit [3 copies]
- Completed *Parenting Plan* [3 copies]
- Estimations of *Child Support* using the online estimator [3 copies]
- Completed *Order of Support* [3 copies]
- Completed *Support Information Sheet* [3 copies]
- Completed *Judgment of Dissolution of Marriage/Civil Union (Divorce with Children)*[1 copy]
- Completed *Certificate of Dissolution of Marriage* [1 copy]
- Completed Parenting Class *Certificate of Completion* [2 copies] Blank *Income Withholding for Support* [1 copy]
- Copies of documents related to the case

*** Failure to bring these documents with you to court may result in coming back to court another day.**

28. Come to your court date.

29. Arrive at the courthouse at least 30 minutes early. Give yourself enough time to go through security.

30. No cellphones with cameras are allowed in the courthouse.

31. You may bring paper and a pen to take notes into the courthouse.

32. You may also bring your wallet, cash and change with you into the courthouse.

33. Once you pass security find your courtroom, enter and check-in with the clerk sitting at the side of the Judge.

34. If your spouse does not come to court:

- ✓ Give the Judge your prepared Judgment of Dissolution of Marriage, Parenting Plan and Order for Support.
- ✓ Answer the Judge’s questions regarding these documents.
- ✓ Be prepared to tell the Judgment specific amounts, dates etc.
- ✓ Tell the Judge if you have documents to present or witnesses to testify.
- ✓ Be prepared to give copies to the Judge and then your spouse.
- ✓ If the Judge gives you the divorce, the Judgment, Parenting Plan and Order for Support will be signed.
- ✓ Get a copy of each order that was entered.
- ✓ Send the absent spouse a copy of each order by 5:00pm on the date you get the Judgment. Fill out and file a Proof of Delivery form with the Circuit Clerk to show that you sent the copy(ies). You can find the Proof of Delivery online at <http://www.illinoiscourts.gov/forms/approved/Circuit.asp>

