

How to file for divorce in Illinois -- Supplement C

Divorce without minor children

This supplement includes a forms guide as well as forms. The forms guide is for use only in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet.

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Forms that are included in this supplement:

Application to Sue As A Poor Person

Entry of Appearance, Waiver, and Consent

Entry of Appearance, Waiver, and Consent -- Military

Certificate of Dissolution of Marriage (can only be obtained at courthouse)

Petition for Dissolution of Marriage -- no children

Stipulation to Waiver of the Two Year Requirement

Notice of Hearing

Certificate of Mailing of Notice of Hearing

Judgment of Dissolution of Marriage -- no children

Certificate of Mailing of Judgment of Dissolution of Marriage

FORMS GUIDE

ALL FORMS:

At the top of each form is the "caption". It is completed as follows:

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE **(number of circuit)** JUDICIAL CIRCUIT
(name of county) COUNTY

| | | |
|-----------------------------|---|---|
| IN RE THE MARRIAGE OF: |) | |
| |) | |
| (your name) |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| and |) | No. (year) -D- (get from Clerk at the |
| |) | time you file) |
| (your spouse's name) |) | |
| |) | |
| Defendant. |) | |

Determine the number of the "Circuit" according to the chart on the next page. If your county does not appear in the chart, call the Circuit Clerk in the county in which you will be filing your case and ask for the number of the Circuit.

Circuit Courts in Illinois

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 21 circuits.

| | |
|------------------------|--|
| First Circuit - | The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline. |
| Second Circuit - | The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford. |
| Third Circuit - | The counties of Madison and Bond. |
| Fourth Circuit - | The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian. |
| Fifth Circuit - | The counties of Vermilion, Edgar, Clark, Cumberland and Coles. |
| Sixth Circuit - | The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt. |
| Seventh Circuit - | The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey. |
| Eighth Circuit - | The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard. |
| Ninth Circuit - | The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton. |
| Tenth Circuit - | The counties of Peoria, Marshall, Putnam, Stark and Tazewell. |
| Eleventh Circuit - | The counties of McLean, Livingston, Logan, Ford and Woodford. |
| Twelfth Circuit - | The county of Will. |
| Thirteenth Circuit | The counties of Bureau, LaSalle and Grundy. |
| Fourteenth Circuit - | The counties of Rock Island, Mercer, Whiteside and Henry. |
| Fifteenth Circuit - | The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee. |
| Sixteenth Circuit - | The counties of Kane, DeKalb and Kendall. |
| Seventeenth Circuit - | The counties of Winnebago and Boone. |
| Eighteenth Circuit - | The county of DuPage. |
| Nineteenth Circuit - | The counties of Lake and McHenry. |
| Twentieth Circuit - | The counties of Randolph, Monroe, St. Clair, Washington and Perry. |
| Twenty-first Circuit - | The counties of Iroquois and Kankakee. |

FORM: Application to Sue as a Poor Person

- Introduction:** Your name
- Paragraph 1:** Your address, include street and city.
- Paragraph 2:** The amount and source of your income, for example, \$339.00 per month in AFDC, supplemented by Food Stamps.
- Paragraph 3:** List other sources of income not listed in 2.
- Paragraph 4:** The amount of income you had in the last year.
- Paragraph 5:** Should be the same as 2, unless you expect your income to go up or down, in which case you should list what you expect your income to be.
- Paragraph 6:** List the names and birthdates of your children and/or others you support financially.
- Paragraph 7:** First blank: total value of your possessions;
Second blank: year and make of your car; if you do not have a car, simply put "none";
Third blank: value of your car;

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature.

FORM: Petition For Dissolution of Marriage (no children)

- Introduction:** Your name
- Paragraph 2:** First blank: Your age.
Second blank: Your address (street and city).
Third blank: The county in which you live.
Fourth and

- Paragraph 3:**
- Fifth blank: The month and year you began living in Illinois;
- First blank: Your spouse's name.
- Second blank: Your spouse's age.
- Third blank: Your spouse's address (street, city, and state)
- Fourth and Fifth blank: Check whether your spouse is or is not a resident of Illinois.
- Paragraph 4:**
- First and Second blank: Day, month and year of your marriage.
- Third blank: The city and state in which you got married.
- Fourth blank: The county in which your marriage was registered.
- Fifth blank: The state in which your marriage was registered.
- Paragraph 5:**
- First and Second blank: The month and year you and your spouse separated. If not separated put n/a.
- Third blank: The grounds for the divorce: (for example, extreme and repeated mental cruelty; extreme and repeated physical cruelty; irreconcilable differences)
- Paragraph 8:** List your non-marital property. If there is not enough room, place the remainder on an additional sheet and refer to it at the end of Paragraph 8. (for example: "continued on a separate sheet.")
- Paragraph 9:** List your marital property. If there is not enough room, place the remainder on an additional sheet and refer to it at the end of Paragraph 9. (For example: "continued on a separate sheet.")
- Paragraph 11:** List the debts you and your spouse incurred while you were married. If there is not enough room, place the remainder on an additional sheet and refer to it at the end of Paragraph 11. (for example: "continued on a separate sheet.")

Paragraph 12: Put your maiden or former name in the blank.

Paragraph G Enter any additional relief you want that is not covered in A through F;

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature

FORM: Judgment of Dissolution of Marriage (no children)

Introduction: First blank: Day of hearing.

Second blank: Month of hearing;

Third blank: Year of hearing;

Fourth blank: Your name:

Place a check in the box that corresponds with how your spouse was served. CHECK ONLY ONE BOX. If you check the first box, the first blank should be filled in with the county in which your spouse was served and the second blank should be filled in with the state in which that county is located.

Paragraph 2. First blank: Your age.

Second blank: Your address.

Third blank: Name of county in which you reside.

Paragraph 3: First blank: The age of your spouse.

Second blank: Your spouse's address. If you don't have an address put "unknown".

Third blank: The state where your spouse resides. If you don't know the state, put "unknown".

Fourth and Fifth blank: check whether your spouse is or is not a resident of Illinois;

Paragraph 4: First and

Second blank: The day, month, and year of your marriage.

Third blank: The county in which your marriage was registered.

Fourth blank: The state in which your marriage was registered.

Paragraph 5: Month and year on which you and your spouse separated;

Paragraph 6: Grounds on which you are getting a divorce;

Paragraph 9: List marital property as you did in your Petition.

Paragraph 10: List the non-marital property you have in your possession.

Paragraph 11: List the debts as you did in your Petition.

Paragraph 12: List your former name.

Paragraph A: List all the non-marital and marital property you want the court to award to you which is in your possession.

Paragraph C. List the marital debts for which you want your spouse to be responsible.

Paragraph E. List your former name.

Paragraph G: List any relief you want the court to order not listed in Paragraphs A-F.

DO NOT FILL IN THE DATE OR THE SIGNATURE LINE FOR THE JUDGE.

FORM: Notice of Hearing (use only if you want to notify your spouse of the hearing)

First blank: Spouses name and address (include street, city, and state)

Second blank: Your name.

Third blank: Date of hearing.

Fourth blank: Time of hearing. (be sure to put a.m. or p.m.)

Fifth blank: County in which your case is filed.

Sixth blank: City in which the courthouse is located.

Sign your name on the blank line next to where it says "Plaintiff" and print your name below the signature.

FORM: Stipulation To Waiver Of The Two Year Requirement (use only if you have been separated for less than 2 years but more than 6 months, you are using the grounds of irreconcilable differences, and your spouse is willing to sign this form)

Paragraph 1: Date of your marriage.

Paragraph 2: Month and year of your separation.

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature. Your spouse will sign on both blank lines above where it says "Defendant" and will print his name below each signature.

FORM: Certificate of Mailing Of Judgment Of Dissolution Of Marriage

First blank: Your name.

Second blank: Name of city in which you mailed a copy of the Judgment to your spouse.

Third blank: Date you mailed a copy of the Judgment to your spouse.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

FORM: Certificate of Mailing Of Notice Of Hearing (use only if you want to notify your spouse of the hearing)

First blank: Your name.

Second blank: Name of city in which you mailed a copy of the Notice Of Hearing to your spouse.

Third blank: Date you mailed a copy of the Notice of Hearing to your spouse.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

| | | |
|------------|---|---------------------------|
| _____ |) | |
| |) | _____ Application granted |
| Plaintiff, |) | _____ Application denied |
| |) | |
| vs. |) | No. _____ |
| |) | |
| _____ |) | _____, 20__ |
| |) | |
| Defendant. |) | _____ |
| |) | JUDGE |

APPLICATION TO SUE AS A POOR PERSON

I, _____, on my own behalf, on oath state:

1. My current address is _____.

2. My occupation, source of income, amount of public benefits is _____.

3. My other sources of income or support are _____.

4. My income for the preceding year was approximately _____.

5. The sources and amounts of income I expect to receive in the future are:

6. Person(s) who are dependent on me for support are: _____

7. I own no real estate. The total value of all my personal property does not exceed \$_____ in value and consists of clothing and furniture, and other household items, including a 20____, _____ motor vehicle, valued at \$_____.

8. I filed no applications for leave to sue or defend as a poor person during the preceding year, and none were filed on my behalf.

9. I am unable to pay the costs of commencing and prosecuting this action.

10. I have a meritorious claim.

WHEREFORE, Applicant prays the Court to permit her/him to commence and prosecute this action as a poor person under 735 ILCS 5/5-105 of the Code of Civil Procedure.

Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

Plaintiff

Dated _____, 20__.

SIGNATURE: _____

STATE OF _____)

County of _____)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____, personally known to me to be the same person whose name is subscribed to the foregoing waiver of summons, appeared before me this day in person, and acknowledged that he signed said appearance as his free and voluntary act, for the purpose therein set forth.

Given under my hand and Notarial Seal, _____, 20__.

NOTARY PUBLIC

4. I am now a resident of the State of Illinois, and have been a resident of the State of Illinois for more than ninety (90) days next preceding the commencement of this action. I reside in _____ County, Illinois. The jurisdictional requirements of the Illinois Marriage and Dissolution of Marriage Act therefore exist, and there exist grounds for the dissolution of the marriage of the parties.

5. My spouse and I were lawfully married on _____, 20 ____ at _____, and the marriage was registered at _____ County, in the State of _____.

6. My spouse and I have lived separate and apart continuously since _____, 20 ____ and the reason I want a divorce is: _____ as defined by the Illinois Marriage and Dissolution of Marriage Act.

7. That no children were born to or adopted by my spouse and me or all of our children are age 18 or older.

8. I am not pregnant.

9. I have in my possession the following items of non-marital property (property I got prior to our marriage, by inheritance, or by gift). My spouse did not help pay for this property, and he/she has no legal right to any part of it: _____

10. Our martial property (property we got after our marriage and not by inheritance or by gift) includes, but is not limited to, the following: _____

_____ I helped pay for

our marital property.

11. I do not know if my spouse has obtained any marital property or debts since our separation.

12. Our marital debts (debts we got after our marriage) include, but are not limited to, the following: _____

_____.

13. My former/maiden name was: _____.

WHEREFORE, I request:

A. A Judgment of Dissolution of Marriage.

B. That the Court award to me all of the marital and non-marital property now in my possession.

C. That the Court award to my spouse all of the marital and non-marital property now in his/her possession.

D. That the Court order my spouse to take responsibility and pay for all legal debts, liabilities and obligations we got since we got married.

E. That neither party be awarded maintenance.

F. That I be allowed to use my maiden/former name.

G. That _____

_____.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

the undersigned certify that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certify as aforesaid that she/he verily believes the same to be true.

Plaintiff

Defendant

filing of her Petition.

3. That Defendant is ____ years old. His/Her last known address is _____
_____, State of _____ and has been a resident of Illinois since
_____, 20 _____. Defendant is not currently in military service with any of
the Armed Forces of the United States.

4. That the parties were lawfully married on _____, 20 ____ and that said
marriage was registered in _____ County, _____.

5. That the parties have been separated since _____, 20 _____.

6. That the grounds of _____
have been proven within the meaning of the Illinois Marriage and Dissolution of Marriage Act.

7. That no children were born to or adopted by the parties as a result of their
relationship.

8. That Plaintiff is not now pregnant.

9. That since the marriage of the parties, the parties acquired marital property,
including:

_____;

that Plaintiff has contributed to the acquisition and preservation of the marital property through
her/her own efforts and frugalities.

10. That Plaintiff has in her/his possession the following items of non-marital
property: _____

_____.

11. That debts and obligations were incurred by the parties, as a result of the marriage relation, including: _____

12. That Plaintiff's former name was _____

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT AS
FOLLOWS:**

A. That the bonds of matrimony presently existing between Plaintiff and Defendant be and the same are hereby dissolved and the parties are granted a Judgment of Dissolution of Marriage.

B. That Plaintiff shall have as her sole and exclusive property free of homestead, dower, or any right of Defendant all property presently in her/his possession, including: _____

_____.

C. That Defendant shall assume full responsibility for all the following legal debts and obligations incurred by the parties, or either of them, as a result of this marriage relation, and hold Plaintiff free and harmless therefrom including: _____

_____.

D. That each of the parties is forever barred from claiming maintenance from the other, having waived the right thereto, and from any and all other rights, claims, title or interest whatsoever against the other party or in or to the property of the other, whether the property be real, personal or mixed or whether it be now owned or hereafter acquired, especially rights of dower, homestead or other rights of inheritance.

E. That Plaintiff is permitted to resume her former name of _____.

F. That this Court shall retain jurisdiction of this cause until the terms of this Judgment have been fully complied with in all respects.

G. _____

DATE: _____

ENTER: _____
JUDGE

