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.

Board of Trustees, Southern Illinois UniversityMay 2, 2003

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
(your spouse's name)) time you file)
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.

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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

Fifth blank: The month and year you began living in Illinois;

Paragraph 3: 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 leasted.

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.

	JUDICIAL CIRCUIT	IN THE CIRCUIT COURT OF THE _	
	COUNTY		
	Application grantedApplication denied No, 20	Plaintiff,) S.)	
	JUDGE	Defendant.)	
	, on my own behalf, on oath state	APPLICATION TO SUE	
	of public benefits is	ccupation, source of income, amount o	2.
4. My income for the preceding year was approximately			
		on(s) who are dependent on me for su	
	Application denied No	Defendant. APPLICATION TO SUE current address is cupation, source of income, amount of ther sources of income or support are come for the preceding year was applications and amounts of income I expension.	1. 2. 3. 4.

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

IN THE CIRCUIT COURT OF THE _	JUDICIAL CIRCUIT
	COUNTY
IN RE THE MARRIAGE OF:) ,)	
Plaintiff,	
and),)	NoD
Defendant.)	
ENTRY OF AP WAIVER AND	
I,, hereby ent	er my appearance in the above-entitled cause
as Defendant therein, and expressly waive the ne	ecessity of process of summons and consent
that the same proceedings may be had therein, a	s fully and with the same force and effect as
though I had been duly and regularly served with	process of summons therein in the State of
Illinois, at least 30 days prior to any return day de	signated by Plaintiff herein or as provided by
law.	
I further certify that I am aware that proper	rty owned by myself and Plaintiff may be
classified as marital or non-marital property, and	am aware that marital misconduct does not
enter into a judicial division of said property. I wa	ive any right that I have to all of said property
other than that which will be awarded to me in acc	cordance with the terms of the order for
Judgment of Dissolution of Marriage.	
I further consent that immediate de against me upon the filing of this appearance or a hearing of said cause may be had without further	

Dated	, 20
SIGNATURE:	
STATE OF) County of)	
County of	
I,hereby certify thatbe the same person whose name is si	, a Notary Public in and for said County and State, do, personally known to me to ubscribed to the foregoing waiver of summons, appeared
before me this day in person, and ack and voluntary act, for the purpose the	nowledged that he signed said appearance as his free rein set forth.
Given under my hand and Nota	arial Seal,, 20
	NOTARY PUBLIC

IN THE CIRCUIT (COURT OF THE	JUDICIAL CIRCUIT
		COUNTY
IN RE THE MARRIAGE OF:)))	
Plaintiff,)	
and ,)) No)	oD
Defendant.)	

ENTRY OF APPEARANCE WAIVER AND CONSENT - MILITARY

entitled cause as the Defendant therein, and expressly waive the necessity of process of summons and consent that the same force and effect as though I had been duly and regularly served with process of summons therein in the State of Illinois, at least thirty (30) days prior to any return day designated by the Plaintiff herein, or as provided by law.

I consent that immediate default may be taken and entered herein against me upon the filing of this appearance or at any time thereafter and that an immediate hearing of said cause may be had without further notice to me.

I further state that I am over the age of eighteen (18) years and hereby acknowledge and expressly waive any and all rights that I may be entitled to under the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.A. App. Section 501) as amended.

I further certify that I am aware that property owned by myself and Plaintiff may be classified as marital or non-marital property, and I am aware that marital misconduct does not

NOTARY PUBLIC

enter into a judicial division of said property. I waive any right that I have to all of said property

JUDICIAL CIRCUIT
_COUNTY
NoD
MARRIAGE - NO CHILDREN
, without the assistance of an attorney, ask
of my Petition, I state the following items are
years. My occupation is
 , he/she is years of age;
; and he/she has been a resident
ccupation is
any of branches of the Armed Forces of the
tion of marriage pending in any other county

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 a	and Dissolution of Marriage Act therefore exist, and there exist grounds for the
dissolution	n 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	8 or older.
8.	I am not pregnant.
9.	I have in my possession the following items of non-marital property (property I got
	ir marriage, by inheritance, or by gift). My spouse did not help pay for this property,
	e 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
	les, but is not limited to, the following:
giit) illoluc	ies, but is not inflited 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 martial debts (debts we got after our marriage) include, but are not limited to,
the following:
<u></u>
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

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

IN THE CIRCUIT COURT OF TH	E JUDICIAL CIRCUIT
	COUNTY
IN RE THE MARRIAGE OF:)))
Plaintiff,	
and) NoD)
Defendant.))
STIPULATION TO WAIVER	OF TWO-YEAR REQUIREMENT
Plaintiff and Defendant hereby agree t	that the following is true:
1. That we are Husband and Wife, an	nd were married on,
20	
2. We have been separated since on	or about, 20; a
continuous period not less than six (6) months	S.
3. There has been an permanent brea	akdown of our marriage without hope of
reconciliation and we want to get a divorce wi	thout proving that one of us is at fault, and we
waive the normal two-year separation require	ment.
4. We both understand the legal effect	ct of this waiver and no one is forcing us to sign it
and we want to be held to this agreement.	
Plaintiff	Defendant
Under penalties as provided by law pursuant	to Section 5/1-109 of the Code of Civil Procedure

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

IN THE	CIRCUIT COURT OF THE _	JUDIO	CIAL CIRCL	IIT
		COUNTY		
IN RE THE MARRI	j			
	Plaintiff,)			
VS.) ,	NoD		
	Defendant.)			
	NOTICE OF	HEARING		
To:				
YOU	J ARE HEREBY NOTIFIED th	nat a hearing on the Pe	etition for Di	ssolution of
Marriage filed by _	is set fo	or	_, at	m.
at the	County Courthouse,		_, Illinois. Y	ou may be
present if you wish				
			Plaintiff	

IN THE CIRCUIT COURT O	F THE JUDICIAL CIRCUIT
	COUNTY
IN RE THE MARRIAGE OF:)))
Plaintiff, vs.)))) NoD)
Defendant.))
l,, h	rereby certify that I mailed a copy of the Notice of known address by depositing the same in the United
States mail at	, Illinois, postage fully prepaid on
, 20 , Plaintiff	
Civil Procedure, the undersigned certifies and correct, except as to matters therein	ed by law pursuant to Section 5/1-109 of the Code of s that the statements set forth in this instrument are true stated to be on information and belief and as to such esaid that she/he verily believes the same to be true.
	, Plaintiff

IN THE CIRCUIT COURT OF THE	JUDICIAL CIRCUIT
	COUNTY
IN RE: THE MARRIAGE OF:)))
Plaintiff,)))) NoD
, Defendant.))))
JUDGMENT OF DISSOLUTION	ON OF MARRIAGE (NO CHILDREN)
This cause having come up for hearing	ng on the day of, 20, on
the Petition for Dissolution of Marriage filed b	oy, and
() it appearing that Defendant was pe	ersonally served with summons in
County,	, and was defaulted for failure to
appear or respond;	
() it appearing that Defendant has file	ed an Entry of Appearance and consented, in
sincerity and without fraud or collusio	n to an immediate hearing;
() that on due inquiry, Defendant cou	ald not be found, and service was obtained in
accordance with 735 ILCS 5/2-206 ar	nd 2-207;
and the Petition herein taken as confessed b	y said Defendant, the Court having heard the
evidence and being fully advised in the prem	ises does find:
1. That this Court has jurisdiction of t	the subject matter herein and the parties hereto.
2. That Plaintiff is years old. Sh	ne/He currently lives at,
Illinois, in County, and h	nas lived in Illinois for more than 90 days prior to the

filing of he	er Petition.
3.	That Defendant is years old. His/Her last known address is
	, State ofand has been a resident of Illinois since
	, 20 Defendant is not currently in military service with any of
the Armed	d Forces of the United States.
4.	That the parties were lawfully married on, 20 and that said
marriage	was registered inCounty,
5.	That the parties have been separated since, 20
6.	That the grounds of
have beer	n 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
relationsh	ip.
8.	That Plaintiff is not now pregnant.
9.	That since the marriage of the parties, the parties acquired marital property,
including:	
	;
that Plain	tiff has contributed to the acquisition and preservation of the marital property through
her/her ov	wn efforts and frugalities.
10). That Plaintiff has in her/his possession the following items of non-marital
property:_	

11.	That debts	and obligation	s were incurre	d by the parties	s, as a result of	the marriage
relation, inc	cluding:					

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, dowe
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 re	etain jurisdiction of this cause until the ter	ms of this Judgment		
have been fully complied with in all respects.				
G				
DATE:	ENTER:			
	JUD)GF		

IN THE CIRCUIT COURT OF THE	JUDICIAL CIRCUIT
	COUNTY
IN RE THE MARRIAGE OF:)))
Plaintiff, vs.)))) NoD))
Defendant.))
	ment of dissolution of marriage certify that I mailed a copy of the Judgment of ther last known address by depositing the same
in the United States mail at	, Illinois, postage fully prepaid on
Civil Procedure, the undersigned certifies that the and correct, except as to matters therein stated	
matters the undersigned certifies as aforesaid t	