

PROVING PATERNITY & GETTING CUSTODY IN ILLINOIS
For Mothers never married to the Father, and who have NO proof of paternity.

Use these forms if all of the following are true for you:

- 1. You live with your child(ren)
- 2. You are a mother who wants joint or sole custody of your child(ren)
 - *Joint custody* means that you and the other parent cooperate in raising the child(ren) and consult one another on major life decisions regarding the child(ren)'s education, religion and health care. Typically, a court will order one of the parents to be the "residential parent" – this is the parent with whom the children live most of the time. The non-residential parent will be ordered to pay child support and be allowed visitation.
 - *Sole custody* means that one of the parents is chosen as the primary custodial parent. This means that the child(ren) will live with that parent and that parent can make decisions about the child(ren)'s education, health care and religion without consulting the other parent. Sole custody does NOT mean that the other parent is not involved with the child(ren). Unless the other parent poses a danger to the child(ren), the court will order visitation between the child(ren) and the other parent. The other parent also has a right to access the child(ren)'s school and medical records and to participate in his/her activities. The non-custodial parent will be ordered to pay child support.
- 3. You and the child(ren)'s father were never married
- 4. The father's paternity of the child(ren) has NOT been established
 - *Paternity* is established if you and the father signed a VAP (Voluntary Acknowledgement of Paternity) for each child for whom you want custody.
 - If paternity has been established, then you must use other materials called "petition/order for custody of minor child(ren) and for child support".
- 5. There has never been a paternity case filed by you or the father relating to the child(ren)
- 6. A court or an administrative agency has not ordered child support to be paid
 - If you already have a child support order from a court/agency, then paternity and custody have already been established and you cannot use these materials.
- 7. Your child's or children's "home state" is Illinois
 - For children over 6 months old, Illinois is their home state if they have lived in Illinois for the last 6 months.
 - For children under 6 months old, Illinois is their home state if they have lived in Illinois since birth.

If you meet **all seven** of the above qualifications, then you can use the following forms to petition for paternity, custody, and child support.

Now, follow the **Instructions** on the next page.

INSTRUCTIONS FOR PETITION TO ESTABLISH PARENTAGE & FOR CUSTODY –
For mothers with NO proof of paternity

1. Fill out **Petition**. You are the Petitioner. The father is the Respondent. By signing the Petition, you certify that the information in the Petition is true and accurate. Once the Petition is complete and signed, make 2 copies.
2. Get the appropriate **Summons** (this may be a “30-day Summons” or a “Paternity Summons” depending on the county) from the Circuit Clerk and complete it. Again, fill in your name as the Petitioner, and the father’s name as the Respondent.
3. File **Petition** and a **Summons** with the Circuit Clerk. The Circuit Clerk will file stamp your papers and keep the originals. Bring 1 copy of Petition, and the Summons, to the Sheriff’s Office to be served on the Respondent-Father. Keep 1 copy of the Petition for your records.

NOTE: Whenever you file papers with the Clerk, you are required to pay filing fees. If you wish to waive the filing fees, then go to the following link [How to File Court Papers for Free](#) or enter “fee waiver” into the search box on the Illinois Legal Aid website and complete the automated form, known as a “pauper’s petition.”

4. Wait 30 days after the Summons went to the Sheriff. You can call the Circuit Clerk or Sheriff to find out when it was served on the Respondent-Father. If you have problems serving the father, then read the information at the following link [How Do I Serve a Summons](#).
5. After 30 days have passed, from when the Respondent-Father was served, contact Circuit Clerk to schedule a court date for a hearing on your petition.
6. Using the information the Circuit Clerk gives you about the court date, fill out **Notice of Hearing**. Make 2 copies. File the original with the Circuit Clerk. Mail 1 copy to the Respondent, by regular mail. Keep a copy for your records. Make sure that you mail the Notice of Hearing and the petition at least 21 days before the date of the hearing.
7. After mailing the **Notice of Hearing**, fill out the **Proof of Mailing – Notice of Hearing**. Make 1 copy. File the original with the Clerk. Keep the copy for your records. (You do not need to send a copy of the Proof of Mailing to the father.)
8. Before the hearing, prepare the **Order for Custody** by filling in the parents’ names and the children’s names on the first page of the Order. The Judge will complete the rest of the Order at the hearing. Make 2 copies of the Order.
9. Go to the hearing and dress as if you are going to a job interview. Check in with the judge’s clerk and wait for the judge to call your case. When your case is called, step forward and hand the Order to the judge. The judge may ask you some questions about your petition. If the father shows up, the judge may ask him some questions as well.

If the father denies that he is the child’s father, the judge may order DNA testing. You may have to pay for that testing, or the cost may be shared.

If the father admits that he’s the father, or that is proven by DNA testing, the father may then oppose your request for custody. You then have a contested custody case. A contested custody trial can get complicated and you may wish to consult an attorney.

10. If the father does not come to court, and the Judge signs your order, then mail the father a copy of the Order, by regular mail. After you mail the Order, fill out and file the **Proof of Mailing – Order of Parentage & For Custody** – with the Circuit Clerk.

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 _____ COUNTY, ILLINOIS

_____,)
)
 Petitioner,)
)
 and) No. _____
)
 _____,)
)
 Respondent.)

PETITION TO ESTABLISH PATERNITY AND FOR CUSTODY OF MINOR CHILD(REN)

I, _____, Petitioner, without the assistance of an attorney, ask this Court to enter an Order establishing paternity and giving me custody of the minor child(ren) listed in this Petition. In support of this Petition, I state as follows:

1. My information:

Name	Address	Date of Birth	Employer	Occupation

2. Respondent's information:

Name	Address	Date of Birth	Employer	Occupation

3. Residency (check all that apply):

- A. I have lived in Illinois since _____ DATE _____.
- B. Respondent has lived in Illinois since _____ DATE _____.

4. Children

A. I am the mother, and Respondent is the father, of the following child(ren):

Name	Date of Birth (MM / DD / YYYY)	Currently Living With
1.		
2.		
3.		
4.		
5.		

(Attach additional pages if needed)

B. I am not currently pregnant by the Respondent.

C. The minor child(ren) has/have lived at the following addresses for the last 5 years, starting with the most recent address (if there is more than one child and the children have lived apart at any time during the last 5 years, then attach additional pages):

Child(ren)'s Name(s) ⇨			
From (date) ↓	To (date) ↓	Address ↓	Lived with whom? ↓
	current		

(Attach additional pages if needed)

D. The minor child(ren) now live(s) with: **Petitioner** **Respondent** **Both of us**

E. (a) The minor child(ren) **over** the age of 6 months have lived in Illinois for at least the last 6 months.

(b) The minor child(ren) **under** the age of 6 months have lived in Illinois since birth.

F. Other than the parties to this case, no other person claims to have rights of custody and / or visitation with the minor child(ren), except:

G. I understand that I have a continuing duty to inform the court of any legal proceeding in Illinois, or any other state, that could affect child custody or visitation.

H. **Check (a) or (b):**

(a) I know of **no other court cases** or orders in Illinois, or any other state, concerning the parties or child(ren) (such as orders of protection, paternity, divorce, custody, visitation, child or spousal support, juvenile court cases, cases involving DCFS, etc.).

(b) I know of the following court cases, pending or closed, concerning the parties or child(ren) (such as orders of protection, paternity, divorce, custody, visitation, child or spousal support, juvenile court cases, cases involving DCFS, etc.):

County / State	Case Number	Kind of Case	Year Filed	Pending or Closed

(Attach additional pages if needed)

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____,)
Petitioner,)
)
and) No. _____
)
_____,)
Respondent.)

NOTICE OF HEARING

TO: _____
RESPONDENT

RESPONDENT'S ADDRESS

CITY / STATE / ZIP

You are hereby notified that a court hearing on:

PETITIONER'S PETITION TO ESTABLISH PATERNITY AND FOR CUSTODY OF MINOR CHILD(REN)

is scheduled in this case for the following date, time and place:

DATE: _____, 20____
TIME: _____ A.M. / P.M. (circle one)
PLACE: _____ County Courthouse
Courtroom _____

You have the right to appear in court for this hearing.

DATED: _____, 20____ SIGNED: _____
PETITIONER'S SIGNATURE

PRINT PETITIONER'S NAME _____

PETITIONER'S ADDRESS _____

CITY / STATE / ZIP _____

TELEPHONE _____

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____,)
Petitioner,)
)
and) No. _____
)
_____,)
Respondent.)

PROOF OF MAILING - Notice of Hearing

Under the penalties for perjury provided by Section 1-109 of the Illinois Code of Civil Procedure,
I certify that on _____, 20____, I mailed by 1st Class U.S. Mail, with postage fully
prepaid, a copy of the **NOTICE OF HEARING** addressed to:

RESPONDENT'S NAME

RESPONDENT'S ADDRESS

CITY / STATE / ZIP

DATED: _____, 20 ____

SIGNED: _____
PETITIONER'S SIGNATURE

PRINT PETITIONER'S NAME

PETITIONER'S ADDRESS

CITY / STATE / ZIP

TELEPHONE

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
 _____ COUNTY, ILLINOIS

_____,)
)
 Petitioner,)
)
 and) No. _____
)
 _____,)
)
 Respondent.)

ORDER TO ESTABLISH PATERNITY AND FOR CUSTODY

A hearing on the Petition to Establish Paternity and for Custody of Minor Child(ren) was held in this case on _____.

Proper notice of that hearing was given, and Petitioner Respondent appeared.

The Court **FINDS AS FOLLOWS:**

1. The Court has personal jurisdiction over the parties, and subject matter jurisdiction over this case.
2. Petitioner and Respondent was/were (an) Illinois resident(s) when the Petition for Custody of Minor Child(ren) was filed, and maintained an Illinois residence for 90 days prior either to that filing date, or to the date of this Order.

3. Children

A. Petitioner is the mother, and Respondent is the father, of the following minor child(ren):

Name	Date of Birth (Month / Date / Year)
1.	
2.	
3.	
4.	
5.	

(Attach additional pages if needed)

B. Petitioner is not now pregnant.

4. Custody

It is in the best interests of the child(ren) that :

- A. **Sole custody** of _____
NAME OF CHILD(REN)
 be awarded to Petitioner.
- B. **Joint custody** of _____
NAME OF CHILD(REN)
 be awarded to the parties, with Petitioner or Respondent as the residential parent.

5. Visitation

It is in the best interests of the child(ren) that the Court order visitation as follows:

A. **Deny** **Restrict** visitation to Respondent OR Petitioner because: _____

B. Grant reasonable visitation to Respondent OR Petitioner.

6. Child Support

A. **Respondent** is: employed unemployed

B. **Respondent** is: able unable to contribute to the support of our minor child(ren)

C. **Petitioner** is: employed unemployed

D. **Petitioner** is: able unable to contribute to the support of our minor child(ren)

Therefore, IT IS HEREBY ORDERED: (to be completed by Judge)

A. Parentage

That a Parent/Child relationship exists and has been established between the Respondent and the minor child(ren) named in this Petition.

B. Custody

That **sole custody** of the minor child(ren) be awarded to Petitioner.

That **sole custody** of the minor child(ren) be awarded to Respondent.

That **joint legal custody** of the minor child(ren) be awarded, with Petitioner designated as the residential custodian.

That **joint legal custody** of the minor child(ren) be awarded, with Respondent designated as the residential custodian.

C. Visitation

That Respondent's OR Petitioner's visitation with the minor child(ren) be:

Barred Reserved

Restricted, as follows:

Allowed, upon the following terms:

Reasonable visitation to be determined by agreement of the parties.

Reasonable visitation, as follows:

D. Child Support

That the issue of child support be reserved.

That Respondent OR Petitioner pay child support as follows:

E. Other

Additional relief as follows:

DATED: _____, 20__

ENTER: _____
JUDGE

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____,)
Petitioner,)
v.) No. _____)
_____,)
Respondent.)

PROOF OF MAILING - Order for Paternity and Custody

Under the penalties for perjury provided by Section 1-109 of the Illinois Code of Civil Procedure,
I certify that on _____, 20____, I mailed by 1st Class U.S. Mail, with postage fully
prepaid, a copy of the **ORDER TO ESTABLISH PATERNITY AND FOR CUSTODY** addressed to:

RESPONDENT _____

RESPONDENT'S ADDRESS _____

CITY / STATE / ZIP _____

DATED: _____, 20____

SIGNED: _____
PETITIONER'S SIGNATURE

PRINT PETITIONER'S NAME _____

PETITIONER'S ADDRESS _____

CITY / STATE / ZIP _____

TELEPHONE _____