

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

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

- ☐ 1. You are a father 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 nonresidential 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 noncustodial parent will be ordered to pay child support.
- ☐ 2. You and the child(ren)'s mother were never married
- ☐ 3. Your paternity of the child(ren) has NOT been established
  - *Paternity* is established if you and the mother signed a VAP (Voluntary Acknowledgement of Paternity) for each child for whom you want custody.
  - If paternity has been established, then you cannot use these materials. You should use another set of forms called "Petition to Establish Custody, Child Support and a Visitation Schedule."
- ☐ 4. There has never been a paternity case filed by or against you relating to the child(ren)
- ☐ 5. You have not been ordered to pay child support by a court or an administrative agency
  - If you are already paying child support by order of a court, then paternity and custody have been established and you cannot use these materials. You should use another set of forms called "Petition to Modify Custody."
- ☐ 6. 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 six** of the above qualifications, then you can use the following forms to petition for child custody, child support and visitation.

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

**INSTRUCTIONS FOR PETITION TO ESTABLISH PARENTAGE & FOR CUSTODY –  
Fathers with NO proof of paternity**

1. Fill out **Petition**. You are the Petitioner; the mother is the Respondent. 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 mother’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-Mother. 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-Mother. If you have problems serving the mother, then read the information at the following link [How Do I Serve a Summons](#).
5. After 30 days have passed, from when the Respondent-Mother was served, contact Circuit Clerk to schedule a court date for a hearing on your petition.
6. Using the information the Clerk gives you about the court date, fill out **Notice of Hearing**. Make 2 copies. File the original with Clerk. Mail 1 copy to the Respondent, by regular mail. Keep 1 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 **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 mother.)
8. Before the hearing, prepare the **Order for Parentage & Custody** by filling in the parties’ names at the top of the Order, and by filling in the children’s names at Part 3(a). The Judge will complete the rest of the Order at the hearing. Make 2 copies of the Order.
9. Go to the hearing. If all goes well, you will testify briefly and the Judge will sign the Order. Make sure you get 2 copies of the completed and signed Order – 1 for your records and 1 to send to the mother.

If the mother denies that you’re the child’s father, the Judge may order DNA testing. You may have to pay for that testing, or the cost may be shared. The DNA results will determine whether you are the child’s father.

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

10. If the mother does not come to court, and the Judge signs an Order of Parentage & Custody, mail her a copy of the Order, by regular mail.
11. Fill out and file the **Proof of Mailing – Order of Parentage & Custody** with the Clerk.

(Attach additional pages as needed)

- B. 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 as needed)

- C. The minor child(ren) now live(s) with: ☐ **Petitioner** ☐ **Respondent** ☐ **Both of us**  
☐ Other [describe the child(ren)'s living situation]: \_\_\_\_\_

- D. (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.

- E. 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:

- F. 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.

- G. **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 as needed)

**5. Custody**

It is in the best interests of the child(ren) that (**Check A, B or C**):

- ☐ A. Temporary and permanent **sole custody** of \_\_\_\_\_  
NAME OF CHILD(REN)  
be awarded to me.
- ☐ B. Temporary and permanent **joint custody** of \_\_\_\_\_  
NAME OF CHILD(REN)  
be awarded to the parties, with me as the residential parent.
- ☐ C. Temporary and permanent **joint custody** of \_\_\_\_\_  
NAME OF CHILD(REN)  
be awarded to the parties, with the Respondent as the residential parent.

**6. Visitation**

It is in the best interests of the child(ren) that the Court provide for visitation as follows (**Check A, B or C**):

- ☐ A. ☐ **Deny visitation** Visitation should be restricted or denied because:  
OR  
☐ **Restrict visitation** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ B. Grant visitation to Respondent as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- ☐ C. Grant visitation to me as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Child Support (*Check all that apply, if requesting to be the residential parent*):**

- A. **Respondent** is: ☐ employed ☐ unemployed.
- B. **Respondent** is: ☐ able ☐ unable to contribute to the support of our minor child(ren)

**8. Agreements**

- ☐ The parties have reached agreement(s) on the following issues:

☐ Custody ☐ Visitation ☐ Child Support

Attach any agreement(s), or state the specific agreements here:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages as needed)

**Relief Requested:**

Therefore, I ask that an Order be entered which provides as follows (**Check all that apply**):

- A. ☐ Finding that I am the father the minor child(ren) named in this Petition.
- B. ☐ That **sole custody** of the minor child(ren) be awarded to me.  
OR  
☐ That **joint legal custody** of the minor child(ren) be awarded, with me to be the residential parent, or, if the parties cannot reach a custody agreement, that I be awarded sole custody of the child(ren).  
OR  
☐ That **joint legal custody** of the minor child(ren) be awarded, with Respondent to be the residential parent.
- C. ☐ That Respondent's visitation with the minor child(ren) be: ☐ Allowed ☐ Restricted  
☐ Barred ☐ Reserved  
OR  
☐ That visitation with the minor child(ren) be awarded to me, on the schedule listed below  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Attach additional pages as needed)
- D. ☐ That Respondent pay child support. (*Check this box only if you are asking for sole custody or to be the residential parent with joint custody.*)  
OR  
☐ That I pay child support. (*Check this box only if you are asking to be the non-residential parent with joint custody.*)
- E. ☐ That any other appropriate relief be granted.

**CERTIFICATION**

Under the penalties for perjury provided by Section 1-109 of the Illinois Code of Civil Procedure, I certify that my statements in this document are true and correct.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PRINT PETITIONER'S NAME

\_\_\_\_\_  
PETITIONER'S ADDRESS

\_\_\_\_\_  
CITY / STATE / ZIP

\_\_\_\_\_  
TELEPHONE

IN RE: \_\_\_\_\_ )  
 )  
 )  
Petitioner, \_\_\_\_\_ )  
 )  
 )  
and \_\_\_\_\_ )  
 )  
 )  
Respondent. \_\_\_\_\_ )  
 )

No. \_\_\_\_\_

TO: \_\_\_\_\_  
 PRINT RESPONDENT'S NAME

\_\_\_\_\_

RESPONDENT'S ADDRESS

\_\_\_\_\_

CITY / STATE / ZIP

DATE: \_\_\_\_\_, 20\_\_

TIME: \_\_\_\_\_ A.M. / P.M.

PLACE: \_\_\_\_\_ County Courthouse  
Courtroom \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

DATED: \_\_\_\_\_

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 a copy of the **NOTICE OF  
HEARING**, addressed to:

\_\_\_\_\_  
PRINT RESPONDENT'S NAME

\_\_\_\_\_  
RESPONDENT'S ADDRESS

\_\_\_\_\_  
CITY / STATE / ZIP

DATED: \_\_\_\_\_

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 OF PARENTAGE & FOR CUSTODY**

A hearing on the Petition to Establish Parentage & For Custody of Minor Child(ren) was held in this case on

\_\_\_\_\_.

Proper notice of that hearing was given, and ☐ Petitioner ☐ and 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 father, and Respondent is the mother, of the following minor child(ren):

Child(ren)'s Name(s)	Date of Birth (MM/ DD / YY)
1.	
2.	
3.	
4.	
5.	

B. Respondent 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 because: \_\_\_\_\_

\_\_\_\_\_

☐ B. Grant reasonable visitation to Respondent.

☐ C. Grant reasonable visitation to Petitioner.

6. **Child Support**

A. ☐ 1. **Respondent** is: ☐ employed ☐ unemployed.

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

B. ☐ 1. **Petitioner** is: ☐ employed ☐ unemployed.

☐ 2. **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. **Custody**

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

☐ 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.

B. **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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**C. Child Support**

☐ That the issue of child support be reserved.

☐ That        ☐ Respondent or        ☐ Petitioner        pay child support as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. Other**

☐ Additional relief as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_, 20\_\_

ENTER: \_\_\_\_\_  
JUDGE

IN THE CIRCUIT COURT OF THE \_\_\_\_\_ JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_, )  
Petitioner, )  
 )  
and ) No. \_\_\_\_\_  
 )  
\_\_\_\_\_, )  
Respondent. )

**PROOF OF MAILING – Order of Parentage & For 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 a copy of the **ORDER OF  
PARENTAGE & FOR CUSTODY**, addressed to:

\_\_\_\_\_  
PRINT 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