

STATE OF ILLINOIS

DIVORCE PACKAGE

UNCONTESTED - MINOR CHILDREN

WITH OR WITHOUT PROPERTY

Control Number - IL-006-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **GENERAL NOTE ABOUT DISSOLUTION OF MARRIAGE:** There are two procedures for ending a marriage in Illinois. One is the formal dissolution of marriage procedure, while the other is a simplified dissolution of marriage procedure. This package contains forms for a regular formal agreed dissolution. The simplified dissolution of marriage procedures are not discussed here and can only be used if certain conditions are met, such as the requirement that the assets of the parties must be being limited to ten (\$10,000) thousand dollars and the requirement that the length of the marriage being 8 years or less. For parties that intend to resolve the divorce by settlement, a formal dissolution is sufficient.

WHO CAN USE THESE FORMS: This packet is designed for the sole purpose of obtaining an *uncontested* divorce. This packet is only of use to you if you and your spouse are willing to agree to all the terms and conditions of your divorce. You must communicate with your spouse and keep him or she advised as to each step in the process. If you cannot agree, you will become involved in a *contested* divorce, which is beyond the scope of this packet. To use this divorce package to file for divorce in Illinois, all of the following must be true:

- i. You and your spouse are seeking a divorce based upon irreconcilable differences;
 - ii. There are minor children of said marriage, and the wife is not now pregnant;
 - iii. You and your spouse agree on all the terms of the divorce.
2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the ***residency requirements*** and appropriate ***grounds for divorce***. These requirements are discussed in detail in their respective sections, below.
4. **RESIDENCY REQUIREMENTS:** At the time the *Petition for Dissolution* is filed, one of the spouses must have been a resident of (or in military service in) the State of Illinois for at least 90 days. The action is to be filed in the Circuit Court of the county where either party resides. 750 ILCS 5/401, 5/105
5. **GROUND FOR DIVORCE:** The *Illinois Compiled Statutes (750 ILCS 5/401)* state the following in regard to grounds for a no-fault divorce, requiring a 6-month period of separation to precede the judgment dissolving the marriage, providing the spouses agree:

*That the spouses have lived separate and apart for a continuous period in excess of 2 years and irreconcilable differences have caused the irretrievable breakdown of the marriage and the court determines that efforts at reconciliation have failed or that future attempts at reconciliation would be impracticable and not in the best interests of the family. **If the spouses have lived separate and apart for a continuous period of not less than 6 months next preceding the entry of the judgment dissolving the marriage, as evidenced by testimony or affidavits of the spouses, the requirement of living separate and apart for a continuous period in excess of 2 years may be waived upon written stipulation of both spouses filed with the court.** At any time after the parties cease to cohabit, the following periods shall be included in the period of separation: (A) Any period of cohabitation during which the parties attempted in good faith to reconcile and participated in marriage counseling under the guidance of [any person regularly engaged in providing family or marriage counseling]; and (B) any period of cohabitation under written agreement of the parties to attempt to reconcile.*

6. **LEGAL SEPARATION:** This package contains form for **DIVORCE**, not for Legal Separation. This information on Legal Separation is provided for your information only. A legal separation cannot be obtained using the forms in this package.

Any person living separate and apart from his or her spouse without fault may obtain a judgment of legal separation with provisions for reasonable support and maintenance while they so live apart. A proceeding or judgment for legal separation shall not bar either party from instituting an action for dissolution of marriage. 750 ILCS 5/402

7. **ALIMONY/SUPPORT:** Because this is an agreed upon divorce, you and your spouse will decide issues of alimony, also known as "spousal support". The forms in this no-fault divorce package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony if you desire. The court may award rehabilitative, periodic, or permanent support, without regard to marital misconduct. The court will consider twelve factors, the most important of which are the income and property of each party, and the needs of each party. 750 ILCS 5/504

You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue.

8. **DISTRIBUTION OF PROPERTY:** Illinois is an "equitable distribution" state. This means, in a contested divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties as the court deems equitable and just. Debts owed are also allocated to one party or the other, or both.

9. **NAME CHANGE:** Upon request, the court may order that a party resume the use of any former or maiden name. This option is included in your documents if you or your spouse desires a name change. *750 ILCS 5/413.*
- 10 **Child Support:** The Court determines the minimum amount of child support that a non-custodial spouse is required to pay. The statute establishes the following guidelines, based on the net income of the non-custodial parent:

<u>Number of Children</u>	<u>% of Net Income</u>
1	20
2	28
3	32
4	40
5	45
6 or more	50

In determining the amount of support, the court considers the resources and needs of the parties, the needs of the child, and the standard of living the child would have enjoyed had the marriage not been dissolved.

Exceptions:

- Financial resources and needs of the child
- Financial resources and needs of the custodial parent
- Standard of living of the child if the marriage had not been dissolved
- Physical and emotional condition of the child and
- Financial resources and needs of the non-custodial parent

750 ILCS 5/505(a)(1)

FORM LIST

The following forms are included in this package:

1. Domestic Relations Cover Sheet **(IL-CCDR0601)**
2. Petition for Dissolution of Marriage **(IL-174-CSR200)**
3. Declaration Under Uniform Child Custody Jurisdiction Enforcement Act **(IL-171-145)**
4. Joint Parenting Agreement **(IL-174-CSR202)**
5. Stipulation Waiving the Two-Year Statutory Period of Separation **(IL-171-163)**
6. Disclosure Statement **(IL-CCDR0604)**
7. Affidavit of Military Service **(IL-171-342)**
8. Summons **(IL-171-223)**
9. Notice and Acknowledgment of Receipt of Summons and Complaint/Petition **(IL-806D)**
10. Marital Settlement Agreement **(IL-DO-11A)**
11. Notice of Hearing **(IL-809D)**
12. Judgment Decree of Dissolution of Marriage **(IL-174-CSR210)**
13. Waiver of Process and Entry of Appearance **(IL-811D)**

FORM EXPLANATIONS

All forms included in this package are identified and described below.

1. **Domestic Relations Cover Sheet (IL-CCDR0601)** – The cover sheet should be completed and filed with the Petition for Dissolution of Marriage. It does not need to be served on the other party to the divorce.
2. **Petition for Dissolution of Marriage (IL-174-CSR200)** – This document begins the divorce process, and includes the necessary legal details for asking the court to dissolve your marriage.
3. **Declaration Under Uniform Child Custody Jurisdiction Enforcement Act (IL-171-145)** – This document is required in any divorce where minor children are involved. It provides the court with essential information about any children born to the marriage.
4. **Joint Parenting Agreement (IL-174-CSR202)** – This form is used to document the agreement reached between the parties regarding custody, visitation, and other issues affecting the well being of the minor children of the marriage.
5. **Stipulation Waiving the Two-Year Statutory Period of Separation (IL-171-163)** – This document confirms that you and your spouse are waiving the statutory two-year separation requirement for divorce in favor of the six-month period.
6. **Disclosure Statement (IL-CCDR0604)** – A document setting out the respective property and debts of you and your spouse. This document must be signed by both you and your spouse. This document must not differ in substance from your *Marital Settlement Agreement*, in that all of the possessions, property and debts appearing in the *Disclosure Statement* must be accounted for and allocated in the *Marital Settlement Agreement*.
7. **Affidavit of Military Service (IL-171-342)** – This document certifies to the Court that your spouse is not currently serving in any branch of the U.S. Armed Services.
8. **Summons (IL-171-223)** – This document is used to inform the Respondent that a suit has been filed against him or her and orders the Respondent to appear before the court and file any pleadings necessary within 30 days after service of the summons. If this form is needed, the Clerk of your court will provide you with this form in a format used by your County.
9. **Notice and Acknowledgment of Receipt of Summons and Complaint/Petition (IL-806D)** – If your spouse does not complete and sign the Waiver of Service and Entry of Appearance, you must formally serve your spouse. This form is used to provide the Court with notice that your spouse has received a copy of the filed Petition for Dissolution of Marriage and the Summons.

10. **Marital Settlement Agreement (IL-DO-11A)** – This document memorialized you and your spouse’s agreements regarding division of property and debts. Must be consistent with the Disclosure Statement (See form # 6 above).
11. **Notice of Hearing (IL-809D)** – This form is to notify your spouse of the date, time and location of the final hearing on the dissolution of marriage.
12. **Judgment Decree of Dissolution of Marriage (IL-174-CSR210)** – The final statement of the terms of your divorce, which incorporates your *Marital Settlement Agreement*. Once this document is signed by the Judge and filed with the court, you must mail a certified copy of the signed, filed *Judgment* to your spouse. Ask the court clerk for a certified copy.
13. **Waiver of Process and Entry of Appearance (IL-811D)** – This form is signed by the Defendant to waive service of process and enter appearance. See steps below for more information.

Note: Additional forms may be required in your County and should be available from the Clerk. Some Counties may require use of special versions of the forms included in this package. If so, use these forms as a guide. Be sure to follow the directions of the Clerk regarding special forms.

INSTRUCTIONS AND STEPS

Note: Any form containing a space for the signature of a Notary Public must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies, and the court must have originals.

STEP 1: Complete the following forms:

- Form 1 – *Domestic Relations Cover Sheet* (**IL-CCDR0601**)
- Form 2 - *Petition for Dissolution of Marriage* (**IL-174-CSR200**)
- Form 3 – *Stipulation Waiving the Two-Year Period of Separation* (**IL-171-163**)
- Form 4 – *Disclosure Statement* (**IL-CCDR0604**)
- Form 5 - *Affidavit of Military Service* (**IL-171-342**)
- Form 6 – *Declaration Under Uniform Child Custody Jurisdiction Enforcement Act* (**IL-171-145**)

Complete the *Domestic Relations Cover Sheet* (**IL-CCDR0601**). Complete and sign the *Petition* (**IL-174-CSR200**) and the verification at the end of the *Petition*. Complete and sign the *Waiver* (**IL-171-163**).

Also, complete the *Disclosure Statement* (**IL-CCDR0604**). Some counties might require a slightly different financial form. If this form is not the one required in your county, the clerk will advise you and can provide the proper form. Also complete the *Declaration Under Uniform Child Custody Jurisdiction Enforcement Act* (**IL-171-145**).

STEP 2: Make three copies of the *Petition* (**IL-174-CSR200**), *Waiver* (**IL-171-163**), *Disclosure Statement* (**IL-CCDR0604**), *Declaration Under Uniform Child Custody Jurisdiction Enforcement Act* (**IL-171-145**), and *Affidavit of Military Service* (**IL-171-342**). Go to the Circuit Clerk’s office in your County and FILE the completed forms. Pay filing fees. Keep several stamped “filed” copies of these forms. Ask the clerk if there are any county-specific or special forms that you need, in addition to those above.

STEP 3: When you file the *Petition* and other papers, the next step is to serve your spouse with a *Summons* (**IL-171-223**) or *Notice and Acknowledgment of Receipt of Summons* (**IL-806D**). However, in some Counties, if the Respondent will sign a *Waiver of Process and Entry of Appearance* (**IL-811D**) serving an actual *Summons* may not be required. You should advise the Clerk that the Defendant will sign a *Waiver of Process* (**IL-811D**) and if a *Summons* (**IL-171-223**) must

still be issued. If a *Summons* (**IL-171-223**) does not have to be issued, provide the Respondent with a copy of the Petition and all other filed documents, complete the *Waiver of Process and Entry of Appearance* (**IL-811D**) and have your spouse sign the Waiver. Then file the Waiver with the Clerk. Note: The Waiver cannot be signed until after the Petition is filed.

If a Summons must be issued even if the Respondent signs a *Waiver of Process* (**IL-811D**) please read this and be prepared before you go to the clerk's office:

After the *Petition* (**IL-174-CSR200**) has been filed, the other party must be provided notice of the dissolution proceeding by serving him or her. The Clerk should provide you with the Summons used in their County and/or a Notice of Acknowledgment of Receipt of Summons and Petition. Sample of these documents are provided and should be completed and taken to the Clerks office because the Clerk may accept your forms. The Clerk should advise you how the Respondent will be server, either by mail, the sheriff or a private process server.

STEP 4: Next, the *Joint Parenting Agreement* (**IL-174-CSR202**), and *Marital Settlement Agreement* (**IL-DO-11A**) should be completed and signed. The completed *Joint Parenting Agreement* (**IL-174-CSR202**) should be filed with the Clerk. The *Marital Settlement Agreement* (**IL-DO-11A**) should then be attached to the completed *Judgment* (**IL-174-CSR210**) form.

STEP 5: After you have completed Step 4, consult the clerk regarding setting a hearing date before the Court to present the Judgment. Ask if both parties must attend or if you can present the Judgment without the defendant's attendance. Note: Tell the Clerk that the case has been settled with a separation agreement. Regardless, after the Clerk gives you a hearing date, notify your spouse of the hearing date with *Notice of Hearing* (**IL-809D**). File the original of this form when you go to the hearing.

STEP 6: Attach a copy of the *Marital Settlement Agreement* (**IL-DO-11A**) to the *Judgment* (**IL-174-CSR210**) and make three copies of the *Judgment* (**IL-174-CSR210**) with *Marital Settlement Agreement* (**IL-DO-11A**) attached. Attend the hearing and answer any questions the Court may have and then present the Judgment to the Judge for signature.

STEP 7: Once you receive the signed *Judgment Decree of Dissolution of Marriage* (**IL-174-CSR210**), you must FILE it with the court clerk, and mail a stamped "filed" copy to your spouse.

STEP 8: When the *Judgment* (**IL-174-CSR210**) is signed and filed, obtain several certified copies of the *Judgment* (**IL-174-CSR210**) as proof of the divorce. Also provide one certified copy to your now ex-spouse.

PROCESS CHECKLIST

- ☐ *Domestic Relations Cover Sheet, Petition, Waiver of Two-Year Separation, Disclosure Statement, Declaration Under Uniform Child Custody Jurisdiction Enforcement Act and Affidavit of Military Service* forms completed.
- ☐ Above listed documents filed with Clerk of Court in the county of filing. A filing fee is paid. (Check with clerk for any updated or county-specific forms that the clerk may have that may be necessary.)
- ☐ A copy of all filed documents provided to your Spouse.
- ☐ *Waiver of Process and Entry of Appearance* signed and filed or *Summons* served.
- ☐ *Joint Parenting Agreement* filed.
- ☐ *Marital Settlement Agreement* completed and attached to *Judgment*.
- ☐ Contact Clerk of Court to schedule date for final hearing. Once date is obtained, complete and mail *Notice of Hearing* to your spouse. When you go to the hearing, file the original of this form with the clerk.
- ☐ Hearing held.
- ☐ *Judgment Decree of Dissolution of Marriage with Marital Settlement Agreement* attached signed by the Judge.
- ☐ Signed *Judgment Decree of Dissolution of Marriage* filed with the clerk of court.
- ☐ Mail certified copy of *Judgment* to your spouse.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/IL/IL-004-D.htm>

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