

Your Rights if Your Spouse Has Filed for Divorce in Illinois

March, 2007



The Self Help Legal Center

SIU School of Law

Carbondale, IL 62901

(618) 453-3217

selfhelp@siu.edu

Disclaimer — Please read

This packet of information was prepared to answer general questions and give general advice about divorce in Illinois. This packet may or may not also include forms that you can use. When reading this packet or using the forms, keep in mind that the advice, information, and forms were created to assist readers with general issues, not specific situations, and as such does not replace the advice or representation of an attorney licensed to practice in the State of Illinois. Because of this and because of unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to whether the use of this packet will achieve the result you desire and disclaim any responsibility for the consequences of any form prepared or action taken in reliance upon the information in this packet. If you are concerned or do not understand whether this packet will be of assistance to you or will apply to your specific situation, you should talk to an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer call the Self Help Legal Center.

Look for these symbols to tell you when to:



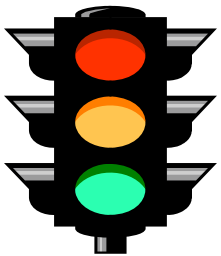
STOP!

You need legal representation or advice to continue.



USE CAUTION!

This is a complicated step so pay attention.



GO!

You can proceed to the next step.



CHECK IT OUT!

This issue is discussed in another packet.

TABLE OF CONTENTS

Disclaimer and Symbols you should look for	2
Table of Contents	3
Warning to all readers; Free sources of legal help	4
How to use this self-help packet	5
Who these people are	6
Other Publications on Divorce	7
What these legal terms mean	8-10
Summary of the law in Illinois	11
Can your spouse divorce you in Illinois?	12
How to File an Appearance and Response if You've Been Served with a Petition for Dissolution of Marriage	13- 15
Preparing for and Attending the Hearing	16- 17
Q & A about Filing Documents	18
Myths	19
Tips	20
Forms and Instructions	21- 29



Warning to all readers



Before you proceed with using this packet, you should ask yourself the following questions:

1. Have I tried to consult a private attorney?

No self-help publication, packet, or form can replace the advice and experience of a licensed attorney. An attorney may not cost as much as you think, especially if you just need to ask questions. Before you proceed on your own, call several local attorneys, compare prices, and find out whether you can pay an attorney or not.

2. If I cannot afford an attorney, have I tried to find a free source of legal assistance?

There are several agencies which provide legal assistance for free to certain groups of individuals. Some of these agencies are listed to the right. While they may not be able to help you with a particular problem, it does not hurt to call them before you proceed on your own.

3. Is this something that I can do on my own?

If you have trouble following directions, or have difficulty reading, writing, or speaking in public, you may not be able to follow the advice in this packet. If this is the case, find a friend or someone who can help you before you proceed on your own.

Free Sources of Legal Help

Land Of Lincoln Legal Assistance

Serves the 65 southernmost counties in Illinois

Toll Free: 877-342-7891

For additional information, you may visit their website at

[Http://www.lollaf.org](http://www.lollaf.org)

Prairie State Legal Services

Serves most of northern and north central Illinois outside of Cook County

815-965-2134

800-331-0617

Coordinated Advice and Referral Program for Legal Services

serving Cook County

312-738-9494

Will County Legal Assistance

Serving Will County

815-727-5123



It is very important that you read each section of this packet completely before you take any action in regard to a legal problem including using any forms that supplement this packet.

Because this packet discusses terms and actions you are likely not familiar with, you will need to refer back to the following sections from time to time when reading this packet:

People you should know

This section describes people that you may come into contact with in regard to a particular legal problem. It is important that you understand who these people are and what they do and don't do.

What these legal terms mean

This section defines commonly used legal terms in words that you can understand. To use the rest of this packet and any supplemental forms, you need to understand exactly what these terms mean.

Summary of the law in this area

This section contains summaries of important areas of the law that you need to know.

How to file a document in a court file

This section answers commonly asked questions about filing documents.

Myths and Tips

These two sections discuss commonly held misbeliefs about the law and steps that you should take (or not take) that could make your task easier.



Who these people are



Judge:

The judge is the person who presides over the courtroom. In most cases, including divorce cases, the judge makes all of the final decisions and approves all agreements. When a judge makes a decision or a finding, it has the force of law. The judge also sets and enforces court rules (like dress codes) and in some courthouses, the judge decides when cases are scheduled.



Circuit Clerk:

The Circuit Clerk is responsible for creating, managing, and updating court files. When you want to put something in a court file, see a court file, or make a copy of something in a court file, you talk to the Circuit Clerk's staff. In some courthouses, the Circuit Clerk also decides when cases are scheduled.



Sheriff:

The Sheriff's main duty is to keep the peace and to enforce the law. His/her role in the legal system, however, is usually to "serve" (give notice) to people that they are being sued. The sheriff does this by giving the person a notice called a "summons". The sheriff also enforces the judge's orders.



Attorney:

An attorney is someone who can help you with your legal problem by providing you with advice about the law, the legal system, and the merits of your case. An attorney can act as your advocate and can represent you in court and in negotiation settlements.

Mediator:

A mediator is someone who can meet with you and the person with whom you have a dispute and help you both come to a resolution you can both agree on. A mediator is not a judge and does not make decisions, but rather helps you make a decision. In some counties, mediation is required in certain types of cases, including child custody.



Other Publications on Divorce



Disclaimer: Please Read!!!

The following is a list of publications which discuss the issues of divorce and/or family law. Some of these publications may be specific to Illinois, and others may be more general in nature. Because of this and unanticipated changes in the law, the School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet make no claim as to the accuracy of the content of these publications including whether they will achieve the result you desire. The School of Law at Southern Illinois University and the person, institution, or agency who gave you this packet disclaim any responsibility for the consequences of any action taken in reliance upon the information in these publications. If you are concerned or do not understand whether a particular publication will be of assistance to you or will apply to your specific situation, you should talk to the publication's publisher or an attorney who is licensed to practice in the State of Illinois. If you have any questions about this disclaimer, call the Self Help Legal Center.

Nolo's Essential Guide to Divorce by Emily Doskow

The Complete Guide to Divorce Law by Nihara K. Choudri

What these legal terms mean



Affidavit

A sworn statement by a person. Lying in an affidavit can result in a charge of perjury, which could mean a fine, imprisonment, or both.

Alimony or Maintenance

Financial Support paid to one spouse by another. This support is not for the children but rather is to maintain the standard of living for the receiving spouse. The supplemental forms waive maintenance.

Child Support

This is what the non-custodial parent pays to the custodial parent to help support his or her child. The amount of child support is set by law.

Circuit

The judicial system in Illinois is divided into circuits. Each circuit defines a geographic area in Illinois.

Custody

The parent who makes the decisions in the child's life regarding issues of health care, education, religion, and lifestyle. It is not who has physical control over the child or where the child resides.

Defendant

A person who is sued.

Divorce

The end of a marriage. The legal proceedings that you go through to end your marriage, divide property and debt and determine the custody and visitation for your minor children.

Grounds

The conduct a person must prove in order to receive a divorce. In Illinois, the grounds are set by statute. There is no "no-fault" divorce in Illinois.

Hearing (trial)

An opportunity for both parties to tell the judge or jury their side of the dispute. Some hearings are court ordered so missing them can result in being held in contempt of court. For hearings which are not court ordered, failure to appear can result in the other side getting what they want in relief.

Irreconcilable Differences

A ground for divorce in Illinois. To prove this ground, you must show that you have been separated for 2 years, that all attempts at reconciliation have failed, or that future attempts at reconciliation would not be in the best interests of the family. **If your spouse agrees to these terms in writing, you can use these grounds if you have been separated for 6 months.** If your spouse filed for divorce under this ground, he or she should present you with a form entitled Stipulation to Waiver of the Two Year Requirement.

What these legal terms mean (cont.)

Joint Custody

When two parents share custody of a child or children. (See Custody)

Joint Parenting Order

A document that sets forth the terms of an agreement between two parents who share joint custody of a child. Most joint parenting orders are completed as part of a divorce. Generally, joint parenting orders discuss when the children will spend time with each parent, who is responsible for the expenses of the children, a method for resolving disputes between the parents, and rules for raising the children. Like a Judgment, a joint parenting order must be followed by both parties.

Judgment

A final decision or order of the court.

Jurisdiction

Whether the court in a particular state has the power to hear a case or to order someone to do something depends upon whether it has “jurisdiction.” Jurisdiction can be either over a person or over a thing. For a state to have jurisdiction over a person, generally, the person must either reside in the state or have committed an act in the state that gave rise to the case.

Mental Cruelty

A ground for divorce in Illinois. To prove mental cruelty you must describe behavior by your spouse directed at you that made you feel depressed, upset, or nervous and that you did not provoke this behavior.

Marital Settlement Agreement

Generally, debts acquired after the date of a marriage and before the date of a divorce.

Marital Debt

Generally, debts acquired after the date of a marriage and before the date of a divorce.

Marital Property

Generally, property brought after the date of a marriage and before the date of a divorce.

Minor Children

Children under the age of 18.

Motion

A written or oral request to the judge after a lawsuit has been started (see petition).

Non-Marital Debt

Generally, debts acquired before the date of a marriage or after the date of a divorce.

Non-Marital Property

Generally, property acquired before the date of a marriage or after the date of a divorce.

Notary Public

A person who verifies that a signature on a document is made by the person whose signature appears. The notary public does not verify the content of the document itself.

What these legal terms mean (cont.)

Petition

A written request to the court. A petition usually starts a lawsuit and contains the facts that one person alleges has happened along with the relief that they are requesting from the court.

Physical Cruelty

A ground for divorce in Illinois. To prove physical cruelty you must describe physical acts of violence that your spouse directed at you that injures you or made you feel depressed, upset, scared, or nervous and that you did not provoke this behavior.

Plaintiff or Petitioner

The person who starts a lawsuit.

Pro-se

A person who is not represented by an attorney and is involved as a party in a lawsuit.

Response

A written answer to the Petition for Dissolution of Marriage that specifically admits or denies the plaintiff's allegations.

Restricted (supervised) Visitation

If a parent without custody poses a serious physical or emotional threat to his/her children, he/she may receive what is called supervised or restricted visitation. Most of the time, the supervision or restriction will only last for a certain period of time, then the court will review the circumstances surrounding the visitation to determine whether the restrictions should continue.

Serve or Service

The process by which a person is officially notified of a pending lawsuit.

Statute

The law that the state legislature or federal government enacted on a particular subject.

Visitation

The period of time when the non-custodial parent gets to visit with his or her child.

Summary of the Law in Illinois



The law which governs most of the area of divorce in Illinois is the Illinois Marriage and Dissolution of Marriage Act. It may be found in Act 5, Chapter 750 of the Illinois Compiled Statutes.

How the court decides if your spouse should get a divorce:

To get a divorce in Illinois, your spouse has to show an event or series of events which causes him/her to want to end the marriage. These events are called “grounds.” There is not a “no-fault” ground in Illinois. The most often cited grounds are mental cruelty, physical cruelty, or irreconcilable differences, but there are more. For a complete list, check the statute. While it is not required, at the time of the divorce, other issues are resolved including debts, property, custody of children, visitation, support, and maintenance. For definitions of these terms see “What these legal terms mean” on page 8 of this packet.

How the court decides who should get sole or joint custody:

The judge will decide who will get custody of the children of a marriage. Parents, however, are encouraged to try to agree on the custody issue and when they do, their agreement is presented to the judge for his/her approval. In determining whether to approve an agreement or make a decision between competing parents for custody, the judge uses the standard of “the best interests of the child.” In determining what are the “best interests of the child,” the judge will look at many factors including: the child’s wishes, the parent’s wishes, where the child has lived, adjustment to community and school, relatives, health and domestic violence.

If the parties have a joint parenting agreement, the court will make sure that the agreement is not only fair and equitable to the parents, but also that it is in the “best interests of the child.”

How the court decides how much child support a non-custodial parent should pay:

How much child support a supporting parent pays from his/her net (after taxes) salary is determined by statute. The current rates are: 1 child—20%, 2 children—28%, 3 children—32%, 4 children—40%, 5 children—45%, 6 or more children—50%. These percentages are guidelines and a judge can go above or below them with good cause.

How the court decides how much visitation a non-custodial parent should receive:

The amount and type of visitation a non-custodial parent gets is not set by statute. Most parents get every other weekend, every other holiday, and a period of time during the summer. Visitation can be restricted or supervised but only when unrestricted visitation would pose a serious physical or emotional threat to the children. Restricted or supervised visitation is difficult to get.

Can your spouse divorce you in Illinois?



The court must have jurisdiction over you to give your spouse a divorce. Similarly, to order you to do something—like pay support or give your spouse a piece of personal property (a tv, a chair), the court must have jurisdiction over your spouse. To know if the court has jurisdiction of you or your spouse, you need to know the following rules.

How the court gets jurisdiction over your spouse:

The court can have jurisdiction over your spouse if your spouse has lived in the State of Illinois for at least 90 consecutive days.

How the court gets jurisdiction over you:

The court can have jurisdiction over you if you have received proper notice of the lawsuit your spouse has started. For service to be proper, you must have been “served.”

If you do not live in Illinois:

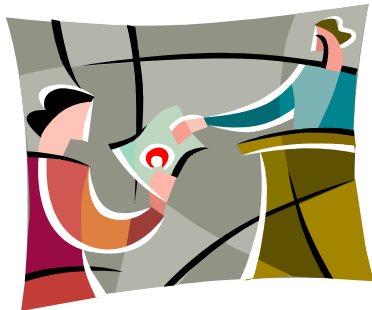
Even if you live in another state, your spouse can still get a divorce. However, if you have never lived in the State of Illinois or committed an act inside Illinois which would cause you to come under the jurisdiction of the court, the court can grant your spouse a divorce, but the court cannot order you to do anything, like pay child support, transfer property, or pay debts.

Special rules when custody of a child is involved in a divorce:

While your spouse can get a divorce if he/she and your children have lived in Illinois for 90 days, the court cannot grant your spouse or you custody of your children (except in very limited circumstances) unless your children have lived in Illinois for 6 consecutive months.



How to File an Appearance and Response if You have been Served With a Petition for Dissolution of Marriage



If you are served with a Petition for Dissolution of Marriage, your spouse has filed for a divorce. If you wish, you may let the judge and your spouse decide the terms of the divorce without you. However, if you want to protect your rights, you must file an Appearance and a Response within **30 days**.

Completing the Appearance

If you are represented by an attorney, your appearance will be filed and signed by your attorney. However, if you choose to represent yourself, you must file a pro se appearance.

The Appearance form may be found in the forms section beginning on page 21 of this packet.

IMPORTANT: If you fail to file a timely appearance, or refuse to file an appearance, your spouse may obtain a default judgment. This means that he or she would get everything he or she requests in the Petition.

Completing the Response

When completing the Response, you will need to refer back to the allegations in your spouse's Petition for Dissolution of Marriage. For each fact or allegation, decide whether it is true or false. Number your answers the same as the numbered paragraphs in the petition.

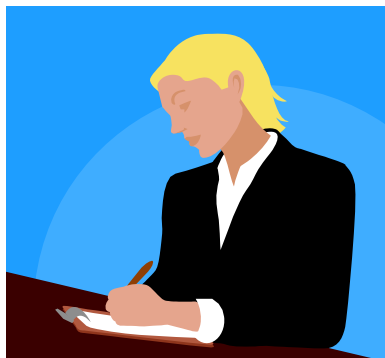
If the allegations are **true** in a paragraph, write:

1. *Respondent admits the allegations contained in paragraph 1 of the Petition..*

If the allegations are **not true**, write:

2. *Respondent denies the allegations contained in paragraph 2 of the Petition..*

How to File an Appearance and Response if You have been Served With a Petition for Dissolution of Marriage (cont.)



If the paragraph contains **some things that are true and others that are not**, specify in your answer which parts are true and which are not. For example:

3. Respondent admits (or denies) the allegations contained in the first sentence of paragraph 3 of the Petition, but denies (or admits) the allegations contained in the second sentence of paragraph 3.

CAUTION: According to 735 ILCS 5/2-610, each of your answers must **explicitly** admit or deny each allegation. If you do not specifically deny an allegation, the judge will assume you admitted it. For example, a statement that a party “neither admits nor denies an allegation” will be deemed to be an admission.

Read the allegations in the petition carefully to be sure that you appropriately address each part of each allegation in your response and to be sure that you do not inadvertently admit more of any allegation than you intend to admit.

It is important to keep in mind that untruthful denials may lead to sanctions. If you do not have sufficient knowledge to respond to an allegation, you must state that you have no knowledge sufficient to form a belief as to that allegation, and you must support your response by an affidavit (which is included at the end of the Response in the forms section of this packet).

How to File an Appearance and Response if You have been Served With a Petition for Dissolution of Marriage (cont.)

Prayer for Relief

In your response, you may decide that you wish to have the Petition dismissed or denied outright in its entirety. Or you may decide to object to certain requests for relief and allegations, such as those for maintenance and custody. Or you could agree to the request for a judgment for dissolution of marriage but seek different relief on other issues. Your prayer for relief should be included at the end of your response, just before your signature.

Example: *WHEREFORE*, Respondent prays that the above entitled matter be dismissed.

Counterpetition

As a defendant, you have to decide whether to file a counterpetition with your answer. Sometimes, a defendant will counterpetition to ensure that their spouse will not voluntarily dismiss the case after it has been filed, which he or she may do under 735 ILCS 5/2-1009. Unless there is a counterpetition on file, the plaintiff may dismiss the petition at any time before your hearing, which means one of you would have to start the divorce process all over again.

If you choose to file a counterpetition, see Packet 1 and the appropriate supplement in the Divorce series. Also see 735 ILCS 5/2-608.



Filing

Your response must be filed **together** with the appearance form. You should make a copy of the appearance and response for your records, and you should also send a copy to your spouse or to your spouse's lawyer if he or she has one.

Your appearance and response must be filed with the Circuit Clerk in the county where your spouse has filed for divorce. The Circuit Clerk will charge a fee when you file your appearance; however, you may be able to have the fee waived by completing the Application to Sue as a Poor Person, which is included in the forms section beginning on page 21 of this packet.

IMPORTANT: When filing, be sure the clerk has your correct address because that is where notice of your hearing date will be sent to you.

Preparing for and attending the hearing

Preparing for the Hearing

At the hearing, the judge will issue a final order on such issues as custody, property, debts, maintenance, visitation, and child support which can only be changed by a another court order.

Prepare your testimony using your Response as your guide. You will need to testify about all the facts you have alleged in your Response and you will need to testify as to what you want the court to do. If you ask the court to do something that was not in your Response, you may have to amend your Response or you may not get it.



Remember, if your spouse is using the grounds of irreconcilable differences, he or she must have been separated from you for 2 years or more. However, your spouse may also use the grounds of irreconcilable differences if he or she has been separated from you for at least 6 months, if you sign a Stipulation Waiving the Two-Year Requirement. Your spouse should provide you with that form. Please note that your signature must be notarized.

If you and your spouse have agreed to joint custody of your children, you and your spouse must complete the Joint Parenting Order form (your spouse should already have this form) and take it with you to your hearing for the Judge's approval.



Attending the Hearing

While there is no way to know exactly what will happen at your hearing, here are some things you should do:

- Bring with you your copies of all documents you filed with the Circuit Clerk and any other papers or evidence relating to your divorce and testimony.
- Write out everything that you need to say and bring this to court with you so you do not forget anything.
- Arrive at least 30 minutes before your hearing. Whatever you do, don't be

Preparing for and attending the hearing (cont.)

late. Check the docket or ask the Clerk exactly what room you will be in. Tell the Clerk or the Judge's secretary that you are ready to proceed when called and wait for your case number and name to be called.

- When the Judge enters the courtroom, stand until you are told to be seated. When your case is called, approach the bench. Always refer to the Judge as "your honor."
- To testify, you will need to call yourself as a witness. At this time, the Judge will put you under oath and you will present your testimony using your written testimony as your guide.
- After he or she has testified, your spouse will present the Judgment of Dissolution of Marriage, the Uniform Order for Support (if child support will be ordered), and the Joint Parenting Order (if the two of you agreed to joint custody) to the Judge for his or her signature.

Wrapping it Up

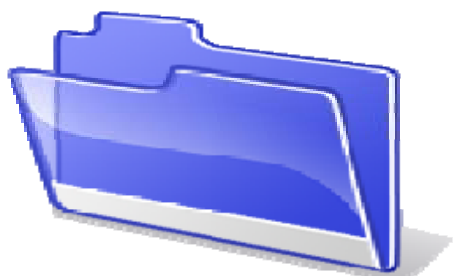
After the judge has signed the Judgment of Dissolution of Marriage and the Joint Parenting Order (if you and your spouse agreed to joint custody), your spouse will file both forms with the Clerk and sent a file-stamped copy of the forms to you.

Remember to hold on to your Judgment as it is your proof that you are divorced. However, if you lose your Judgment, don't panic. As with any document you file, you can always get another copy from the Circuit Clerk. You may, however, have to pay for the copies.

If you asked the Court to give you your maiden name back, have the Circuit Clerk certify your copy of the Judgment. In most cases, you will need a certified copy to change your name with either the Social Security Administration or the Illinois Secretary of State.

If you or your spouse asks for child support, your spouse will send a Notice to Withhold Income for Child Support to the supporting parent's employer so that the child support can be deducted from his/her wages. Your spouse will also send a copy of the Uniform Order for Support to the State Disbursement Unit (the place that collects all support paid and then sends it to the person who is to receive it) and the Division of Child Support Enforcement (a division of the Department of Human Services) that obtains and enforces child support orders.

Q & A about filing documents



Q: What is a court file?

A: The file is the way that the courthouse keeps track of a lawsuit. The file includes all of the documents that were filed, notices of hearings, notes by the judge and clerk, and letters to and from the judge and clerk.

Q: When do you need to file a document in a court file?

A: Generally, you will file a document when you want to:

- have evidence that a task was completed
- record an event or a statement
- or give notice to someone about something.

Q: What does it mean to file a document in a court file?

A: Generally, filing a document means giving the Circuit Clerk a copy of a document so that he/she can place it in the court file you want it to go in. When the Clerk files the document, he/she will stamp it with a stamp that says the date (and sometimes the time) the document was filed.

Q: Does filing a document make it legal?

A: No. The Clerk will not check to make sure that your document is in compliance with the law. Most of the time you can file anything you want as long as you are willing to pay for the filing costs. It does not mean, however, that what you have filed is correct.

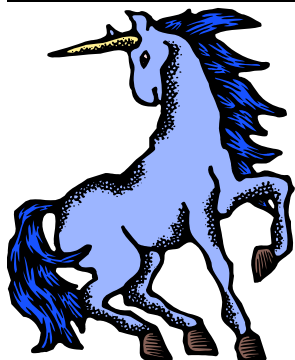


Q: Why is filing so important?

A: Most of the time, filing is the primary way to show that you have met the deadline for something—either to initiate a lawsuit or to notify someone of a lawsuit or a hearing. Filing is also the way that you notify the court of your answer (response) to lawsuit started against you.

Please note that failure to file something on time can cause you to lose your right to proceed with your claim or you may be forced to start over.

Myths



5 commonly held beliefs about divorce which are not true:

Myth 1: Your spouse needs your signature to get a divorce.

Wrong! The judge decides if you get a divorce, not you or your spouse.

Myth 2: Your spouse has to be separated from you to get a divorce.

Wrong! Your spouse does not need to be legally or otherwise separated from you to get a divorce unless he/she is using the grounds of irreconcilable differences. Separation may help your spouse prove other grounds like mental or physical cruelty, but it is not required.

Myth 3: A “default” divorce is not as binding or “legal” as when both parties appear in court, have attorneys, or agree on the terms of the divorce.

Wrong! A default divorce is just as legal and binding as any other divorce.

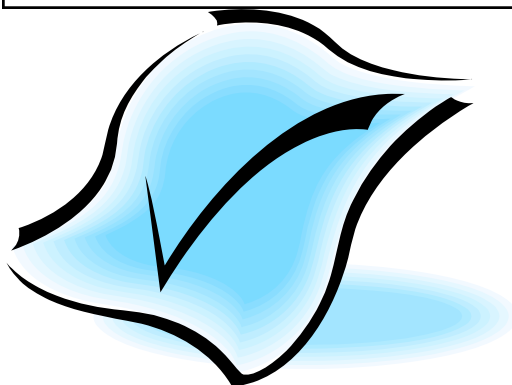
Myth 4: Joint custody means the child must spend equal time with each parent.

Wrong! While parents who have joint custody of a child often do have an equal time with the child, it does not have to be that way. Remember that custody has to do with who makes the major decisions in the child’s life—education, religion, health—not where the child resides. A parent could have joint custody and only see the child every other weekend.

Myth 5: If one party is “responsible” for a marital debt in a divorce judgment, his/her spouse can’t be sued for that debt.

Wrong! A divorce is only binding on those people who are the parties to the lawsuit. Consequently, unless a creditor (someone you owe money to) was a party to your divorce, he/she can still collect a marital debt from you. If your ex-spouse agreed to be “responsible” for a particular marital debt and he/she does not pay the debt, your only recourse is to take him/her back to court to either get him/her to pay the debt or reimburse you for any monies you spent on the debt for which your spouse was responsible. Of course, if your ex-spouse does not have the money to reimburse you or to pay the debt, taking him/her back to court would probably be a waste of your time and money.

Tips



Try to get agreement where you can

While it is not required, if you can get an agreement with your spouse on any terms of your divorce, it will make the process easier. If you and your spouse agree on all terms of the divorce, you should sign the Entry of Appearance form or, if you have already been served, the Judgment of Dissolution of Marriage.

Go to other pro-se hearings before yours

If your county courthouse has a special date when it schedules the pro-se (no attorneys) divorce hearings, try to attend at least one hearing before the date of your hearing. This way you can watch what happens (including what mistakes others make), take notes, and be more prepared for your hearing date.

Get help if you need it

If you have trouble following directions, doing things on time, filling out forms, or keeping track of paperwork, representing yourself if your spouse has filed for divorce may be much more stressful than it needs to be. If, however, you have a friend who can help you do these things, the job will be a lot easier. Keep in mind, however, that a friend cannot take the place of the advice an experience of an attorney licensed to practice in the State of Illinois. Consequently, if you need legal advice or if representing yourself proves to be too difficult a task for you, talk to an attorney.

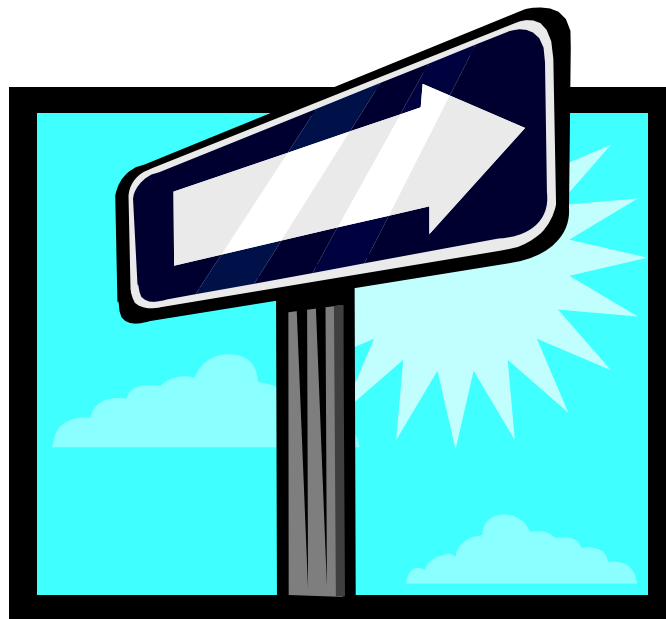
Instructions for Individual Forms

Forms that are included in this supplement:

Application to Sue as a Poor Person

Appearance

Response Form



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 the circuit) JUDICIAL CIRCUIT
(name of the county) COUNTY

(your name))	
)	
Plaintiff,)	
)	
vs.)	No. (get from the Clerk at the time you
)	file)
)	
(the party you are suing’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.

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 22 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 Vermillion, 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.
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 county of Lake.
Twentieth Circuit—	The counties of Randolph, Monroe, St. Clair, Washington, and Perry.
Twenty-first Circuit—	The counties of Iroquois and Kankakee
Twenty-second Circuit—	The county of McHenry

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.

***Before you sign your name on the blank line where it says "Plaintiff," you will need to locate a notary public to watch you sign the form. A Notary Public can probably be found at the Circuit Clerk's Office or at your local bank. Make sure you bring identification with you so that the notary can verify that you are the person you claim to be in the document.**

FORM: Appearance

Introduction: Your Name

Second and third blanks: Date and Your Signature

Enter your name and address on the blanks at the bottom of the page.

FORM: Response

Introduction: Your name.

See pages 13-15 of this packet for information on how to complete the Response.

Attach extra pages if necessary.

Insert the Date and your Signature at the end of the form.

Insert your Signature.

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____)	_____ Application granted
)	_____ Application denied
Plaintiff,)	
)	
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

STATE OF ILLINOIS }
 } SS.
COUNTY OF _____ }

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that _____, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he/she signed, sealed, and delivered the said instrument as a free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this day of _____, 200___.

NOTARY PUBLIC

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____)	
)	
Plaintiff,)	
)	No. _____
and)	
)	
_____)	
Defendant.)	

Appearance

I, _____ hereby enter my pro se appearance in the
(name)
above matter.

Date

Signature

A copy of this document must be served on all parties not been found by the Court to be in default of personal service or by U.S. Mail, properly addressed, with first class postage prepaid. Service by mail is complete four (4) days after mailing.

Pro Se

Name: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Date

Signature

AFFIDAVIT

Under penalties as provided by law pursuant to Section 5/1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

Signature