

How Do I File for Divorce?

1. Gather information. You will need to know the following:

- The date you were married and the city, county, and state where you were married
- The date you separated or were no longer engaging in a marital relationship
- Your spouse's current home address, an address where your spouse can be found, or proof that you have made diligent attempts to locate your spouse but still do not know where they are
- A list of the following that you and your spouse have **together or separately**
 - All personal property, including bank accounts
 - All real estate, whether or not you are currently paying a mortgage
 - All claims for money, for injuries, or damages suffered during your marriage
 - All pension and retirement accounts
 - All of the debts incurred since you got married

2. Assess the Situation.

- Decide what you believe would be most appropriate for your family going forward regarding: a) distribution of property, b) debt, c) child-related responsibilities (if applicable), and d) financial support.
- Determine whether or not you and your spouse agree about these terms. Agreements help the process move much faster and anything you cannot agree about will eventually be decided by a judge.
- Keep in mind that you know your family better than a judge ever will.

3. Write a Petition for Dissolution of Marriage.

- The Petition for Dissolution is the document that starts this process.
- There are fill-in-the-blank templates available on illinoislegalaid.org, on the Domestic Relations page of cookcountycourt.org, and in the law library. You can also find templates here: <http://www.illinoiscourts.gov/Forms/approved/Circuit.asp> (Step 1's information will help you complete this process).

4. Compile other documents needed to begin.

- Certificate of Dissolution of Marriage, a Domestic Relations cover sheet, an affidavit of military service, and a summons.
- Available at the Clerk's office or online at cookcountyclerkofcourt.org.

5. File your documents.

- Your case does not begin until your paperwork is properly filed with the Clerk's Office.
- You can file your documents online via electronic filing (e-filing), or in person if you qualify for an exemption from the e-filing mandate. For more information on the e-filing process, filing fees, and fee waivers, please visit cookcountyclerkofcourt.org.

What comes next?

Once you have filed, you will need to place the case for service or your spouse will need to voluntarily file an appearance. Once this is done, you must obtain a court date by either proceeding to prove-up (court date which finalizes your divorce) if you are in agreement, or you can begin the litigation process if you are not in agreement by filing a motion addressing the issues. Please see accompanying handouts for more information.

DISCLAIMER: This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ *et seq.* for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County's Law Libraries (e.g. 29th floor of the Daley Center).