How to file for an uncontested legal separation in Illinois–Supplement

Updated: 3/10/05

This supplement includes a forms guide as well as forms. The forms guide is for use in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet.

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Forms that are included in this supplement:

Application to Sue As A Poor Person

Petition for Legal Separation

Entry of Appearance, Waiver, and Consent

Entry of Appearance, Waiver, and Consent--Military

Notice of Hearing

Judgment for Legal Separation

Joint Parenting Order

Certificate of Mailing of Joint Parenting Order

Certificate of Mailing of Notice of Hearing

Certificate of Mailing of Judgment

Notice of Withholding

Affidavit of Service of Notice of Withholding

FORMS GUIDE

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 circuit)** JUDICIAL CIRCUIT

(name of county) COUNTY

	)	
(your name)	)	
	)	
Plaintiff,	)	
	)	
and	)	No. **(year)** -__- **(get from Clerk at the time you file)**
	)	
(your spouse'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.

Circuit Courts in Illinois

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 21 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 Vermilion, 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 andFulton.
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.
Thirteenth Circuit	The counties of Bureau, LaSalle and Grundy.
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 counties of Lake and McHenry.
Twentieth Circuit -	The counties of Randolph, Monroe, St. Clair, Washington and Perry.
Twenty-first Circuit -	The counties of Iroquois and Kankakee.

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: Expected income for the current year (should be the same as 2, unless you expect your income to go up or come down).

Paragraph 6: List the names and birth dates 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;

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature.

FORM: Petition for Legal Separation

Paragraph 1: Your name

Paragraph 2: First blank: Your age

Second blank: Your place of employment (whether at home or outside the home–put name of business if outside the home)

Paragraph 3: First blank: Your current address

Second blank: Number of years you have lived in Illinois

Paragraph 4: First blank: Age of spouse

Second blank: Spouse’s current place of employment

Third and Fourth blank: Spouse's present address

Fifth blank: Number of years spouse has lived in Illinois

Paragraph 5: First blank: Day, month, and year you and your spouse married

Second blank: County in which you were married

Paragraph 7: First blank: Month and year you and your spouse started living apart

Paragraph 8: Put a check in the first space if you have minor children of the marriage. Otherwise, put a check in the second space.

Paragraph 9: List the name and birth date of each of the children of the marriage. If there are no minor children of the marriage, put "N/A" for "not applicable" in the first space provided.

Paragraph 10: Name of person whom the children are currently living with. Again, put "N/A" for "not applicable" if there are no minor children of the marriage

Paragraph 11: If you are male, change it to your spouse.

Paragraph 12: If you and your spouse have a separate formal (written) agreement regarding custody, maintenance, support, or visitation, check yes. If you do not have an agreement, check no.

Paragraph 13: List non-marital property. A definition can be found in the "What These Legal Words Mean" section of the informational packet.

Paragraph 14: List marital property. A definition can be found in the "What These Legal Words Mean" section of the informational packet. (This can include marital residence, household furniture and furnishings, automobiles, etc.)

Paragraph 15: List the debts you and your spouse accrued from the time you were married until present (i.e. debts from buying a car, house, major appliances, etc)

Paragraph 16: Check either or both that apply

Paragraph B: List your non-marital property. You do not need to list all of it, just the most important property.

Paragraph C: List marital property that you want.

Paragraph D: List the marital property that you want your spouse to receive.

Paragraph F: List the debts you want your spouse to pay.

Paragraph G: Check all those that apply. If there are children of the marriage, either check **(1)** or **(2)**. If you are requesting sole custody, check **(1)**. If you are requesting joint custody, check **(2) DO NOT CHECK BOTH!** If you are seeking child support, check **(3)**. If you are seeking maintenance, check **(4)** also. If there are no children of the marriage, **(4)** is the only option that might apply.

Sign your name on both blank lines above where it says "Plaintiff" and print your name below each signature.

FORM: Judgment of Legal Separation

Introduction: First blank: Day of hearing

Second blank Month of hearing

Third blank: Year of hearing

Place a check in the box that corresponds with how your spouse was served. CHECK ONLY ONE BOX. If you check the first box, the first blank should be filled in with the county in which your spouse was served and the second blank should be filled in with the state in which that county is located.

Third paragraph: Month, day, and year of marriage

Fourth paragraph: Name and birth date of children, if any

Fifth paragraph: Name of person children currently reside with

Sixth paragraph: If male, change plaintiff to defendant.

Eighth paragraph: List the items of non-marital property you have in your possession. For a definition of non-marital, see the “What These Legal Words Mean” section of the informational packet

Ninth paragraph: List the items of non-marital property that your spouse has in his or her possession.

Tenth Paragraph: List the items of marital property. Again, look for the definition of marital property in the “What These Legal Words Mean” section of the informational packet.

Eleventh paragraph: List the marital debt. A definition can be found in the “What These Legal Words Mean” section of the informational packet.

Twelfth paragraph: Place a checkmark in the space if you have entered into a written

agreement with your spouse regarding custody, visitation, support, and maintenance. If so, attach a copy to the order for the Judge to see.

Let the judge fill out the bottom portion as it is decided. DO NOT FILL IN THE DATE OR THE SIGNATURE LINE FOR THE JUDGE

FORM: Joint Parenting Order (use only if seeking joint custody even if separate agreement exists between you and your spouse)

Introduction:	First blank:	Day of hearing.
	Second blank:	Month of hearing
	Third blank:	Year of hearing;
	Remaining Blanks:	List the name and birth date of each of the children of the marriage.
Paragraph 2:	List the name(s) of the minor child(ren) of the marriage.	
Paragraph A:	List the name(s) of the minor child(ren) of the marriage.	
Paragraph G:	First blank:	List the name of the parent with whom the child(ren) will primarily reside.
	Second blank:	List the name of the non-residential parent.
	Third blank:	List the days and times when the non-residential parent will have visitation with the children. Be as specific as possible.
Paragraph I:	List the name of the non-residential parent.	
Paragraph J:	Check the appropriate box. You must check Box 2 if you are asking for child support and you are receiving benefits for your children from the Illinois Department of Human Resources	
	<u>Box 1 and 2</u>:	
	First blank:	City in which the courthouse is located.
	Second blank:	County in which the courthouse is located.
	Third blank:	Amount of monthly support.
	Fourth blank:	Day of first payment. (A number goes here like

1st or 2nd, not Monday or Tuesday).

Fifth blank: Month of first payment.

Sixth blank: Year of first payment.

Seventh blank: Day of the month of all future payments. (A number goes here like 1st or 2nd, not Monday or Tuesday)

Paragraph L: List the date on which the youngest child of the marriage reaches the age of eighteen.

Paragraph N: List any separate agreements not mentioned in Paragraphs A-M.

Both parents must sign the Order above where it says Plaintiff or Defendant.

DO NOT FILL IN THE DATE OR THE SIGNATURE LINE FOR THE JUDGE.

FORM: Notice of Hearing (use only if you want to notify your spouse of the hearing)

First blank: Spouse's name and address (include street, city, and state)

Second blank: Your name.

Third blank: Date of hearing.

Fourth blank: Time of hearing. (be sure to put a.m. or p.m.)

Fifth blank: County in which your case is filed.

Sixth blank: City in which the courthouse is located.

Sign your name on the blank line next to where it says "Plaintiff" and print your name below the signature.

FORM: Entry Of Appearance, Waiver, And Consent (use only if your spouse is willing to sign this form and waive service)

First blank: Your spouse's name.

LEAVE THE REST OF THE FORM BLANK FOR YOUR SPOUSE AND THE NOTARY PUBLIC TO COMPLETE.

FORM: Certificate of Mailing Of Notice Of Hearing (use only if you want to notify your spouse of the hearing)

First blank: Your name.

Second blank: Name of city from which you mailed a copy of the Notice Of Hearing to your spouse.

Third blank: Date you mailed a copy of the Notice of Hearing to your spouse.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature

FORM: Certificate of Mailing of Judgment for Legal Separation

First blank: Your name.

Second blank: Name of city from where you mailed a copy of the Judgment to your spouse.

Third blank: Date you mailed a copy of the Judgment to your spouse.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

FORM: Certificate of Mailing Of Joint Parenting Order

First blank: Your name.

Second blank: Name of city from which you mailed a copy of the Joint Parenting Order to your spouse.

Third blank: Date you mailed a copy of the Joint Parenting Order to your spouse.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

FORM: Notice to Withhold Income For Child Support (use only if asking for child support)

CAPTION:

Check one of the following:

Original Notice: if this is the first notice you have sent to the person who will be paying child support.

Amended Notice: if you are changing the existing child support notice

Terminate Notice: if the child support order has been terminated by the court.

Employer/Withholder's Fed. EIN No. : the federal employer identification number of the employer of the person paying support in this section. To obtain this number, please contact the employer. If you are not able to get the number, continue to complete the form.

Employer/Withholder's Name: the name of the employer

Employer/Withholder's Address: the address of the employer

Employer/Obligor's (Last, First, MI): the name of the person who will pay/or is paying the support in this section.

Employer/Obligor's Soc. Sec. No. : the social security number of the person who will pay/or is paying the support in this section.

Employee Identification Number : the number assigned to the employee by the employer, if the employer uses a numbering system.

Custodial Parent's (Last, First, MI): the name of the parent who is receiving the support in this section.

Child (ren) Name(s) : the names of all children receiving support in this section.

Date of birth: the date of birth (next to the child-s name) of all children on whose behalf support is being paid.

ORDER INFORMATION:

1st Blank: the name of the judge who signed the most recent child support order

2nd Blank: the county that child support order is filed in

3rd Blank: the date that child support order was entered

4th Blank: the date on which the youngest child for which support is being paid turns 18.

5th Blank: Should be checked if children are to be enrolled in the insurance program of the person who will pay/or is paying child support.

6th and 7th Blanks: The amount of child support and the frequency (weekly, monthly, bi-weekly) that it is paid. For example $100 per month.

8th and 9th Blanks: The amount of past due child support and the frequency (weekly, bi-weekly, monthly) that it is paid.

10th Blank: Should be checked (yes) if the person paying support is more than 12 weeks behind in paying child support.

11th & 12th Blanks: The amount of medical support and the frequency (weekly, monthly, bi-weekly) that it is paid. For example $100 per month.

13th and 14th Blanks: Use these blanks for amounts paid that do not fit into either the current support, past due support, or medical support categories. Indicate the amount and the frequency (weekly, bi-weekly, monthly) that it is paid.

15th and 16th Blanks: The total amount of support and the frequency (weekly, monthly, bi-weekly) that it is paid..

17th through 20th Blanks: Using the total amount of support, calculate the amounts that an employer would pay in either a weekly, monthly, semimonthly, or bi-weekly pay cycle:

Example: If the total amount of support is $100 per month, then

the weekly pay period would be: $100 x 12 (12 months in a year) = 1200 ÷ 52 (52 weeks in a year) = $23.07

the monthly pay period would be $100.00

the semimonthly pay period (twice a month) would be $100 ÷ 2 = $50.00

and the biweekly pay period (every two weeks) would be:$23.07(weekly pay period) x 2 = $46.15

REMITTANCE INFORMATION:

1st Blank: the case number.

2nd Blank: the name of the individual or agency receiving the payment of support. If you are receiving assistance for your children from the Illinois Department of Human Services, put the Illinois Department of Human Services here.

3rd Blank: Put the name and address of the Circuit Clerk where your case is filed.

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS:

1st Blank: Check this box so that the employee/obligor will receive a copy.
2nd Blank: The name of the person paying support
3rd Blank: Leave blank, the employer will fill this blank out if the employee leaves his job
4th Blank: Leave blank, the employer will fill this blank out if the employee leaves his job

5th Blank: Leave blank, the employer will fill this blank out if the employee leaves his job

Put your name, address, and telephone number as the person who is preparing this Notice on the last page.

FORM: Affidavit Of Service Of Notice To Withhold Income For Child Support

Introduction: Your name.

Paragraph 1: First blank: The employer to which you sent the Notice To Withhold Income For Child Support.

Third blank: City from where you mailed the Notice to Withhold Income For Child Support

Paragraph 2: The day, month, and year on which the Notice To Withhold was received by the employer (will be on the green return receipt sent to you by the Post Office).

Served by blank: Your name.

Sign your name on the blank line above where it says "Plaintiff" and print your name below the 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

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he/she verily believes the same to be true.

_____
Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
	)	
_____, PLAINTIFF	)	
	)	No. ___-__-____
and	)	
	)	
	)	
_____, DEFENDANT	)	

PETITION FOR LEGAL SEPARATION

I am asking this Court for a legal separation without the assistance of an attorney. In support of my petition, I state the following items are true.

1. My name is _____.

2. I am _____ years old, and currently employed at _____

3. I am presently residing at _____ Street, _____, Illinois, and have resided in the State of Illinois for more than _____ years.

4. My spouse is _____ years old, employed at _____ _____, presently residing at _____ Street, _____, Illinois, and has resided in the State of Illinois for _____ years.

5. My spouse and I were legally married on the following date:_____ _____ and the marriage was registered at: _____.

6. No petition for legal separation or dissolution of marriage is pending in this or any other county or state.

7. My spouse and I have been living separate and apart since

_____ without fault on my part.

8. There are: (check one)

____ children ____ no children of this marriage.

9. The following minor children were born to or adopted by my spouse and me during the marriage, namely:

_____, born _____,

_____, born _____, and

_____, born _____;

10. Our minor children reside with _____.

11. I am not presently pregnant (Or "My spouse is not presently pregnant," if you are male).

12. My spouse and I presently have a formal agreement as to support, custody, visitation, and maintenance. (Check one) ____ Yes ____ No

13. Prior to and during the marriage, I have acquired various property which is my non-marital property including: _____

_____

_____.

14. During the marriage, my spouse and I have acquired certain marital property, including but not limited to, the following:_____

_____

_____.

I have, through my efforts, monies, frugalities and work, including without limitation my contribution to the family unit, contributed to the acquisition, preservation, and increase in value of the marital and non-marital property

acquired during the marriage.

15. Our marital debts include, but are not limited to, the following:

_____

_____

_____

16. I am also asking the Court to grant me: (Check all that apply):

____ Maintenance. I lack the necessary property and income to provide for my reasonable needs, both temporary and permanent, and I am without resources to meet my needs independently in conformance with the standard of living established during the marriage. My spouse, on the other hand, earns a substantial income, and is well able to provide me with maintenance, both temporary and permanent, in accordance with his or her needs and in conformance with the standard of living established during the marriage.

_____Child support. I lack sufficient property and income to provide for our children's reasonable needs, including educational needs, in conformance with the standard of living the children would have enjoyed had the parents not separated. My spouse is well able to provide both temporary and permanent child support.

Wherefore I request:

A. A judgment of legal separation be entered in favor of myself and my spouse.

B. That I be awarded and assigned as my separate property all of my non-marital property, including, but not limited to, _____

_____

_____.

C. That I be awarded and assigned as my separate property the following marital property:_____

_____

_____.

D. That my spouse be awarded and assigned as his/her separate property the following marital property: _____

_____

_____.

E. That the remaining marital property be divided in just proportions, and to the extent it cannot be divided, that it be sold, and I be awarded and assigned my equitable share thereof.

F. That my spouse pay the following debts and other obligations:_____

_____

_____

_____

_____

G. The following that apply: (Check all that apply)

____ **(1)** That I be awarded the sole temporary and permanent care, custody, control and education of the minor children, namely,

_____

_____

_____.

____ **(2)** That a Joint Parenting Order granting joint custody of our child/ren to the my spouse and I be entered.

____ **(3)** That my spouse be ordered to pay me such sums as are fair and reasonable for temporary and permanent child support and for the education expenses of the children.

____ **(4)** That my spouse be ordered to pay me such sums as are fair and reasonable for my temporary and permanent maintenance.

H. Such other and further relief as the Court may deem equitable and proper.

_____, Plaintiff

CERTIFICATION

Under penalties as provided by law, pursuant to 735 ILCS 5/1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that the statements set forth in the foregoing instrument are true and correct to the best of my knowledge and belief.

_____, Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
	)	
_____, PLAINTIFF	)	
	)	No. ___-__-____
and	)	
	)	
	)	
_____, DEFENDANT	)	

JUDGMENT OF LEGAL SEPARATION

This cause having come up for hearing on the _____ day of _____, 20 __, on the Petition for Legal Separation filed by Plaintiff, and:

( ) it appearing that Defendant was personally served with summons in _____ County, _____, and was defaulted for failure to appear or respond;

( ) it appearing that Defendant has filed an Entry of Appearance and consented, in sincerity and without fraud or collusion to an immediate hearing;

( ) that on due inquiry, Defendant could not be found, and service was obtained in accordance with 735 ILCS 5/2-206 and 2-207;

and the Petition herein taken as confessed by said Defendant, the Court having heard the evidence and being fully advised in the premises does find:

1. The court has jurisdiction over the subject matter and the parties.

2. Both Plaintiff and Defendant at the time of the commencement of this action, at the present time, and for more than 90 days preceding the making of these findings have been residents of Illinois.

3. The parties were lawfully joined in marriage on the following date: _____.

4. Children were either adopted or born to the parties during the marriage, namely;

_____, born _____,

_____, born _____,

and _____, born _____;

5. All children reside with _____.

6. Plaintiff is not presently pregnant.

7. The parties are living separate and apart without fault on the part of Plaintiff.

8. That Plaintiff has in his/her possession the following items of non-marital property: _____

_____

_____.

9. That Defendant has in his/her possession the following items of non-marital property: _____

_____

_____.

10. That since the marriage of the parties, the parties acquired marital property, including but not limited to:

_____

_____

_____; that Plaintiff has contributed to the acquisition and preservation of the marital property through his/her

own efforts and frugalities.

11. That since the marriage certain debts and obligations have accrued, namely _____

_____

_____.

12. (Check one)

G Plaintiff and Defendant did enter into a written agreement dated _____, which resolves between the parties all questions with regard to maintenance, custody, child support, medical and related needs and education, and their respective rights of property, both marital and non-marital, growing out of the marital relationship, and all other rights which either of them may have as a result of their marital relationship. The agreement has been presented to this court for its consideration and approval, was voluntarily entered into by the parties, is fair and equitable in its terms and provisions, is not unconscionable, and is approved by the court. A copy of this agreement is attached.

G Plaintiff and Defendant have not reached an agreement as to questions regarding maintenance, custody, child support, visitation, or property.

THE COURT ORDERS AS FOLLOWS:

A. A Judgment of Legal Separation is awarded to both of the parties.

B. The following that apply:

G **(1)** Plaintiff be awarded the sole temporary and permanent care, custody, control and education of the minor children, namely, _____.

G **(2)** A Joint Parenting Order granting joint custody of the child/ren to the parties be entered.

G **(3)** Defendant be ordered to pay to Plaintiff a sum in the amount of Z_____ per _____ which is fair and reasonable for temporary and permanent child support and for the education expenses of the children.

G **(4)** Defendant be ordered to pay to Plaintiff a sum in the amount of Z_____ per _____ which is fair and reasonable for his or her temporary and permanent maintenance.

G **(5)** The agreement of the parties dated _____, is approved, and the agreement and all of its provisions are incorporated into this Judgment with the same full force and effect as though the agreement and all of its provisions were written into this decretal part of this Judgment of Legal Separation verbatim.

G **(6)** Defendant shall assume full responsibility for the following debts and obligations incurred by the parties, or either of them, as a result of the marriage relation and hold Plaintiff free and harmless therefrom including: _____
_____
_____.

G **(7)** That Plaintiff and Defendant retain their respective non-marital property.

G **(8)** That Plaintiff should have as his/her sole and exclusive property, free of homestead, dower or any right of Defendant, all property presently in his/her possession including: _____
_____
_____
_____.

C. That all property acquired hereafter by Plaintiff or Defendant shall be non-marital property.

D. That all debts acquired hereafter by Plaintiff or Defendant shall be non-marital debt.

E. Plaintiff and Defendant are both ordered and directed to execute, carry out and perform all of the terms, provisions and conditions of this Judgment of Legal Separation.

F. This court reserves jurisdiction of the subject matter of this cause and of the parties hereto for the purpose of enforcing the terms of this Judgment of Legal Separation.

G. _____

_____

Enter: _____ Date: _____

Judge

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF	)	
	)	
_____	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. ____-__-_____
	)	
_____	)	
	)	
Defendant.	)	

JOINT PARENTING ORDER

This cause having come up for hearing on the _____ day of _____, 20__, the parties agreeing to an Order for Joint Custody of the minor child(ren):

_____ date of birth:_____,

_____ date of birth: _____,

_____ date of birth _____,

_____ date of birth: _____,

_____ date of birth _____;

the Court being fully advised in the premises finds as follows:

1. That the Court has jurisdiction over the subject matter and parties in this matter;

2. That the parties are the natural parents of _____

_____;

3. That the residential circumstances of each party favors an award of joint custody;

4. The parties possess the ability to cooperate effectively and consistently with each other toward the best interest of the child(ren); and

5. The maximum involvement in cooperation of both parties regarding physical, mental, moral, and emotional well being of the child(ren) is/are in the best interest of the child(ren).

WHEREFORE IT IS ORDERED THAT:

A. Joint custody of the child(ren) _____

_____

be awarded to the parties such that during the remainder of the child(ren)=s life before he/she reaches the age of majority, the parties shall have equal rights and responsibilities regarding the rearing and overall well being of the child(ren) regarding decision making on the issues of the child(ren)=s education, health care, and religious training.

B. Each party shall properly transmit to the other any information received concerning the child(ren)=s education, including but not limited to parent/teacher conferences, school club meetings, school programs, athletic schedules, and other school activities in which the child(ren) may be engaged or interested.

C. Each party shall advise all health care providers and school officials that the other is to have access to any records concerning the child(ren) that are in the possession of such professionals.

D. Each party shall properly inform the other of any serious illness or injury the child(ren) has/have which requires medical attention while the child(ren) is/are in that party=s care.

E. Each party shall provide the other with any and all medication needed by the child(ren) while the child(ren) are with the other party.

F. Each party shall at all times conduct themselves in a manner which promotes the cooperation and involvement of the other parent on any matters which concern the medical

and health care of the child(ren), keeping in mind that the cooperation and involvement of both parties on issues regarding medial and health care of the child(ren) is/are in the best interest of the child(ren).

G. The child(ren) shall reside with _____ on a primary residential basis subject to _____'s visitation with the minor child(ren) on the following days and times and holidays:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____.

H. Each party shall provide transportation one-way for visitation.

I. The parties shall adhere to the following rules with respect to the custody and visitation with the minor child(ren)

1) Each party shall refrain from discussing the conduct of the other party in the presence of the child.

2) Under no circumstances shall the question of child support, either as to the amount, manner, or transmission of payment be raised in the presence of the child(ren);

3) Each party shall advise the other as soon as possible if he or she is unable to keep the planned visitation with the child(ren);

4) Both party shall not unreasonably question the child regarding the activities of the other party.

5) Both parties shall at all times conduct themselves in a manner which promotes the beneficial effect of the minor child(ren)=s visitation with _____.

6) If any conflict arises between the parties as to any of the provisions of this Joint Custody Order or the implementation thereof; the complaining party shall first notify the other parent of the nature of the complaint and both parties shall make reasonable attempts to negotiate a settlement of the conflict. Whenever practical under the circumstances, the complaint shall be in written form and given or mailed to the other parent. The parent receiving the complaint shall, when practical, reply to the complaint in a similar manner. If the parties are unable to resolve their conflict within a reasonable period of time, the party seriously objecting to the plan of the other party shall be responsible for starting mediation proceedings. Mediation shall be by a psychiatrist, psychologist or other person trained in resolving family disputes. The costs of the mediation shall be divided equally. Either party can seek judicial resolution of the conflict if mediation does not result in a solution.

J. ( ) That Defendant shall pay to Plaintiff, through the Office of the Clerk of the Circuit Court, City of _____, County of _____, State of Illinois, as and for child support for the minor child/ren of the parties, the sum of $_____ per month, the first payment to be made on the _____ day of _____, 20___, and payable on the _____ of every month thereafter.

( ) That Defendant shall pay to the Department of Human Resources Fiscal Operations, P.O. Box 909, Springfield, Illinois 62701, through the Office of the Clerk of the Circuit Court, City of _____, County of _____, State of Illinois, as and for child support for the parties minor child/ren, the sum of $_____ per month the first payment to be made on the

_____ day of _____, 20___, and payable on the _____ of every month thereafter; that upon proper notice to the Clerk of the Circuit Court from the Department of Human Resources that Plaintiff is no longer a recipient of assistance, Defendant shall make said payments to the Clerk for Plaintiff.

( ) That the question of child support shall be reserved for the future consideration of the Court.

K. Both parties shall retain his/her hospitalization insurance on the minor child(ren); if either party should have the option of obtaining hospitalization insurance on the minor child(ren), she/he shall be required to do so.

L. That the support obligations in Paragraphs J and K will expire on _____ _____, 20___ unless otherwise modified.

M. The parties shall split 50/50 all unpaid medical bills, as well as insurance co-payments and insurance premiums.

N. _____

_____

APPROVED:

_____ _____
Plaintiff Defendant

DATE: _____ ENTER: _____
JUDGE

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
_____,	)	
	)	
Plaintiff,	)	
	)	
and	)	No. ____-__-____
	)	
_____,	)	
	)	
Defendant.	)	

ENTRY OF APPEARANCE
WAIVER AND CONSENT

I, _____, hereby enter my appearance in the above-entitled cause as Defendant therein, and expressly waive the necessity of process of summons and consent that the same proceedings may be had therein, as fully and with the same force and effect as though I had been duly and regularly served with process of summons therein in the State of Illinois, at least 30 days prior to any return day designated by Plaintiff herein or as provided by law.

I further certify that I am aware that property owned by myself and Plaintiff may be classified as marital or non-marital property, and I am aware that marital misconduct does not enter into a judicial division of said property. I waive any right that I have to all of said property other than that which will be awarded to me in accordance with the terms of the order for Judgment of Legal Separation.

I further consent that immediate default may be taken and entered therein against me upon the filing of this appearance or at any time thereafter, and that an immediate hearing of

said cause may be had without further notice.

Dated _____, 20___.

SIGNATURE: _____

STATE OF _____)
)
County of _____)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____ _____, personally known to me to be the same person whose name is subscribed to the foregoing waiver of summons, appeared before me this day in person, and acknowledged that he signed said appearance as his free and voluntary act, for the purpose therein set forth.

Given under my hand and Notarial Seal, _____, 20___.

_____
NOTARY PUBLIC

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
_____,	)	
	)	
Plaintiff,	)	
	)	
and	)	No. ____-__-____
	)	
_____,	)	
	)	
Defendant.	)	

ENTRY OF APPEARANCE
WAIVER AND CONSENT - MILITARY

I _____, hereby enter my appearance in the above-entitled cause as the Defendant therein, and expressly waive the necessity of process of summons and consent that the same force and effect as though I had been duly and regularly served with process of summons therein in the State of Illinois, at least thirty (30) days prior to any return day designated by the Plaintiff herein, or as provided by law.

I consent that immediate default may be taken and entered herein against me upon the filing of this appearance or at any time thereafter and that an immediate hearing of said cause may be had without further notice to me.

I further state that I am over the age of eighteen (18) years and hereby acknowledge and expressly waive any and all rights that I may be entitled to under the Soldiers' and Sailors' Civil Relief Act (50 U.S.C.A. App. Section 501) as amended.

I further certify that I am aware that property owned by myself and Plaintiff may be classified as marital or non-marital property, and I am aware that marital misconduct does not

enter into a judicial division of said property. I waive any right that I have to all of said property other than that which will be awarded to me in accordance with the terms of the order for Judgment of Legal Separation.

Dated _____, 20___.

SIGNATURE: _____

STATE OF _____)
)
County of _____)

I, _____, a Notary Public in and for said County and State, do hereby certify that _____, personally known to me to be the same person whose name is subscribed to the foregoing waiver of summons, appeared before me this day in person, and acknowledged that he signed said appearance as his free and voluntary act, for the purpose therein set forth.

Given under my hand and Notarial Seal, _____, 20___.

_____
NOTARY PUBLIC

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
_____,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. ____-__-____
	)	
_____,	)	
	)	
Defendant.	)	

CERTIFICATE OF MAILING OF JUDGMENT OF LEGAL SEPARATION

I, _____, hereby certify that I mailed a copy of the Judgment of Legal Separation to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,	)	
Plaintiff,	)	
vs.	)	No. ____-__-____
_____,	)	
Defendant.	)	

CERTIFICATE OF MAILING OF JOINT PARENTING ORDER

I, _____, hereby certify that I mailed a copy of the Joint Parenting Order to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
_____,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. ____-__-____
	)	
_____,	)	
	)	
Defendant.	)	

NOTICE OF HEARING

To: _____

_____

_____

YOU ARE HEREBY NOTIFIED that a hearing on the Petition for Legal Separation filed by _____ is set for _____, at _____ ___.m. at the _____ County Courthouse, _____, Illinois. You may be present if you wish.

_____Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:	)	
	)	
_____,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. ____-__-____
	)	
_____,	)	
	)	
Defendant.	)	

CERTIFICATE OF MAILING OF NOTICE OF HEARING

I, _____, hereby certify that I mailed a copy of the Notice of Hearing to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

State of Illinois

County of :_____
Case Number:_____
Date: _____

( ) Original Notice
( ) Amended Notice
( ) Terminate Notice

_____
Employer/Withholder's Fed. EIN No.

_____
Employee/Obligor's (Last, First, MI)

_____
Employer/Withholder's Name

_____
Employee/Obligor's Soc. Sec. No.

_____
_____
Employer/Withholder's Address

_____
_____
Court Case Number

_____
AND ANY SUBSEQUENT EMPLOYER

_____
Custodial Parent's (Last, First, MI)

Child(ren)'s name (s):	**date of birth:**	**Child(ren)'s name(s)**	**date of birth:**
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ORDER INFORMATION: This is a Notice to Withhold Income for Child Support based upon an order for support entered by the Honorable _____,

Circuit Court of_____ County, IL on _____, 20 ___.

By law, you are required to deduct these amounts from the above -named employee or

obligor=s income until _____ , 20___ even if the Notice is not issued by your State.

(___) If checked, you are required to enroll the child(ren) identified above in any health insurance coverage available through the employee's obligator's employment.

$_____ per _____ in current support

$_____ per _____ in past due support totaling $_____

Arrears 12 weeks or greater? (__)yes (__) no

$_____ per _____ in medical support

$_____ per _____ in _____

for a total of $_____ per _____ to be forwarded to the payee below.

You do not have to vary your pay cycle to be in compliance with the support order. If your pay cycle does not match the ordered support payment cycle, use the following to determine how much to withhold:

$_____ per weekly pay period. $_____ per semimonthly pay period (twice a month).

$_____ per monthly pay period. $_____ per biweekly pay period (every two weeks).

REMITTANCE INFORMATION: Follow the laws and procedures of the employee's/obligator's principal place of employment even if such laws and procedures are different from this paragraph:

You must begin withholding no later than the first pay period occurring 14 working days after the date of this Notice. Send payment within 7 working days of the paydate/date of withholding. You are entitled to deduct a fee of your actual cost not to exceed $5 monthly to defray the cost of withholding. The total withheld amount, including your fee, cannot exceed FCCPA % of the employee/obligator's aggregate disposable weekly earnings. For the purpose of the limitation on withholding, the following information is needed (see #9 below):

When remitting payment, provide the paydate that you withheld support and the case number: _____.

Make it payable to
:_____

Send check to :_____

ADDITIONAL INFORMATION TO EMPLOYERS AND OTHER WITHHOLDERS

(__) If checked, you are required to provide a copy of this form to your employee.

1. **Priority:** Withholding under this Notice has priority over any other legal process under State law against the same income. Federal tax levies in effect before receipt of this order have priority. If there are Federal tax levies in effect, please contact the requesting person/agency listed below.

2. **Combining Payments:** You can combine withheld amounts from more than one employee/obligator's income in a single payment to each agency requesting withholding. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligator.

3. **Reporting the Paydate/Date of Withholding:**
You must report the paydate/date of withholding when sending the payment. The paydate/date of withholding is the date on which the employee is paid and controls the income, i.e., the date the income check or cash is given to the employee, or the date on which the income is deposited directly in his/her account.

4. **Employee/Obligor with Multiple Support Withholdings:**
If you receive more than one Notice against this employee/obligor and you are unable to honor them all in full because together they exceed the withholding limit of the State of the employee's principal place of employment (see #9 below), you must allocate the withholding based on the law of the State of the employee's principal place of employment. If you are unsure of that State's allocation law, you must honor all Notices' current support withholdings before you withhold for any arrearages, to the greatest extent possible under the withholding limit. You should immediately contact the last agency that sent you a notice to find the allocation law of the state of the employee's principal place of employment.

5. **Termination Notification:** You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested on the following page and return a copy of this order/notice to the person/agency.

Information Requested:

EMPLOYEE'S/OBLIGOR'S NAME:_____

DATE OF SEPARATION/TERMINATION OF EMPLOYMENT:_____

LAST KNOWN HOME ADDRESS:_____

_____

_____

NEW EMPLOYER'S NAME AND ADDRESS:_____

_____

Return Copy to: _____

_____

_____

_____

6. **Lump Sum Payments:** You may required to report and withhold from lump sum payments such as bonuses, commissions, or severance pay. If you have any questions about lump sum payments, contact the person or authority below.

7. **Liability:** If you fail to withhold income as the Notice directs, you are liable for both the accumulated amount you should have withheld from the employee/obligor's income and any other penalties set by State law. You may be found liable for the total amount which you fail to withhold or pay over and fines up to $100.00 per day for each day after the grace period. In Illinois, subsection (G) of 305 ILCS 5/10 - 16.2, 750 ILCS 5/706.1, or 750 ILCS 45/20.

8. **Anti-discrimination:** You are subject to a fine determined under State law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against any employee/obligor because of a child support withholding.

9. **Withholding Limits:** You may not withhold more than the lesser of ; 1)the amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C.'1673 (b)); or 2) the amounts allowed by the State of the

employee/obligor's principal place of employment. The federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the net income left after making mandatory deductions such as : State, Federal, local taxes; Social Security taxes; and Medicare taxes. The Federal CCPA limit is 50% of the ADWE for child support and alimony, which is increased by : 1) 10% if the employee does not support second family; and/or 2) %5 if arrears are more than 12 weeks old (see page 1).

10. **The obligor's rights, remedies and duties**: see Illinois Statutes 305 ILCS 5/10-16.2, 750 ILCS 5/706.1, and 750 ILCS 45/20.

Name and address of person preparing this Notice:

_____
_____
_____
_____

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

IN RE THE MARRIAGE OF:

_____,	)	
Plaintiff,	)	
vs.	)	No. ____-__-____
_____,	)	
Defendant.	)	

AFFIDAVIT OF SERVICE OF
NOTICE TO WITHHOLD INCOME FOR CHILD SUPPORT

I, _____ state the following:

1. That a copy of the Notice To Withhold Income For Child Support entered in the has been delivered to:_____ by mailing it by certified mail, return receipt requested, with postage prepaid at _____, Illinois.

2. That service was made on _____ by certified mailing.

Served by: _____

This form must be filed with the Clerk of the Court following service of a Notice To Withhold Income For Child Support. Attach the green receipt card to this form and file with the Clerk of the Court.

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.

_____,Plaintiff