

SIMPLE DIVORCE PROCEDURE

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6/1/2009

ABOUT THE AUTHOR

Phillip J. Mohr joined Chicago Volunteer Legal Services in 1991. A DePaul Law grad and former CVLS volunteer, he became the Family Law Director in 1996. Phil has handled cases in a variety of areas of law at CVLS, but has concentrated his practice on family law. With a typically large caseload, he has represented many clients with contested family law matters over the years. In addition to his trial work, he has gained experience with appellate work as well, arguing before the Illinois Supreme Court in 1999. Phil is a member of the Chicago Bar and Illinois State Bar Associations and was elected to the Assembly of the latter in 2000.

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I. INTRODUCTION

This guide is designed to assist you with the procedure of a simple default divorce. These types of cases can include those where a spouse cannot be located or where there is a lengthy separation and no kids, property or sufficient incomes to fight over. This guide will assist those who have little, or no, divorce experience with the basic procedures of a default divorce case. It is also a good stepping stone for those interested in learning to practice in this area.

The term “simple divorce” may be an oxymoron. Contested issues can, and do, materialize in the case you thought would be a default. If this happens, please contact CVLS if/when you need additional assistance.

If, after you have met with your CVLS client, you decide to take a simple divorce case, this chapter, and the appended forms, will assist you from start to finish. Although samples of the Petition for Dissolution and Judgment for Dissolution are attached, they need to be tailored to your case. This is general information for a default divorce. It will not necessarily be applicable to all the specifics of your divorce case. If you have any questions, again, please feel free to contact any attorney at CVLS.

- **The “simplest” of the simple divorces:** Before we move on to the substance and procedures of a simple default divorce, keep in mind that some marriages can be dissolved very easily using the Joint Simplified Dissolution procedure. The Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/451) allows for a streamlined, do-it-yourself divorce for cooperative divorcing spouses when there are no contested issues. It is designed for litigants to handle pro-se. After meeting with a potential client, you may want to advise him/her to complete a Joint Simplified Dissolution with their spouse. It usually can be done in one day, both have to appear in court only one time and all the paperwork is available from the clerk. They simply need to appear and fill it out. In order to file a joint simplified dissolution, both parties must certify to the following:
 - * Neither party is dependent on the other for support, or each party is willing to waive the right to support;
 - * Either party has been a resident of the State of Illinois for at least 90 days preceding the date they file;
 - * Irreconcilable differences have caused the irretrievable breakdown of the marriage and the parties have been separated 6 months or more;
 - * No children were born to, or adopted by, the parties and the wife is not currently pregnant;
 - * The duration of the marriage does not exceed 8 years;
 - * The total fair market value of all the marital property, after deducting all encumbrances, does not exceed \$10,000; and neither party has

- any interest in real estate;
- * The combined gross income of the parties does not exceed \$35,000 and neither party has a gross income in excess of \$20,000;
- * The parties have disclosed to each other all assets and their tax returns for all years of the marriage; and
- * The parties have executed a written agreement dividing all assets in excess of \$100 and allocating debt.

It is rare to find a divorcing client with a cooperative spouse. It is more rare to have a cooperative spouse who will certify, along with the client, to all the above. If it happens, however, consider referring them to 802 of the Daley Center to file this joint petition. It is \$329 (they save the appearance fee) and filing fees can be waived with a Rule 298 petition if their joint incomes are below the federal poverty level for 2 people. It is also fast. They can appear at the clerk's office (802 Daley Center) at 8:30 a.m. to fill out the documents and file the matter. They then will proceed to the assigned judge's courtroom for the prove-up hearing and entry of the Judgment (if parties seek filing fee waiver, the matter may be prolonged a few days while the 298 Petition is being approved by Judge Jacobius in 1901). I am not attaching the forms because the parties fill these out on their own at court and they are readily available in room 802 of the Daley Center.

If you have reviewed your client's matter and decide that it is neither a joint simplified dissolution, nor a contested matter, proceed with the following procedures. All documents referred to in this guide (excluding the *Certificate of Dissolution*) are appended.

II. PREPARING TO FILE:

A. DOCUMENTS

- * *Divorce Intake Questionnaire*
- * *Petition for Dissolution (and 3 copies)*
- * *Certificate of Dissolution (carbon form, no copies needed)*
- * *Domestic Relations Cover Sheet (no copies)*
- * *Affidavit of Military Service (and 2 copies)*
- * *Summons (and 3 copies)*
- OR if you can't get personal service**
- Affidavit for Service by Publication (and 2 copies)*
- Order for Free Publication (and 2 copies, if fee waiver approved)*
- * *Civil Legal Services Provider form-when appropriate (and 2 copies)*
(CLSP)

B. FILLING OUT DOCUMENTS

Before preparing the documents for the divorce, make sure you have completely filled out the *divorce intake questionnaire* with your client. The questionnaire is designed to provide you with all the information you will need to prepare the paperwork.

Prepare the *Domestic Relations Cover Sheet*, *Petition for Dissolution* (see next paragraph), *Summons* (if you can get personal service) or *Affidavit for Service by Publication* and *Order for Free Publication* (if you cannot), *Military Affidavit*, and a *Certificate of Dissolution*. The *Certificate of Dissolution* is not appended to this guide because it is a special 5-page carbon form. You can get one from CVLS or the clerk's office in room 802 of the Daley Center. You can also pick one up, and fill it out, when you file the case.

The *Petition for Dissolution of Marriage* is the foundation of your case. Like all Complaints, generally, you can only get what you ask for. You want to prepare, therefore, a complete Petition seeking all the relief your client wishes to obtain – custody, child support, maintenance and division of property and debt. This chapter presumes a simple divorce. In a simple case, your request for relief regarding property or maintenance, then, may simply be to seek that each party be awarded the property in their respective possessions or that both parties be barred from receiving maintenance. Two Petitions follow this chapter – one informational and the other a sample. The informational Petition provides guidance for proper allegations and requests for relief concerning each of the divorce issues (i.e. grounds, custody/visitation, child support, division of property/debt, and maintenance). Please review both Petitions before preparing one for your client.

Make certain that your client reads the Petition carefully before signing. If s/he signs a Petition stating that the marital property has been previously and satisfactorily divided, s/he cannot, at a default prove-up, ask for the car and TV which are in Respondent's possession.

Once you have your paperwork prepared, have your client sign the *Petition* and *Military Affidavit*. If your client is within 125% of the federal poverty guidelines use the *Civil Legal Services Provider Form* to waive court costs. This form is to be authorized by the volunteer Attorney and does not need to be approved by the Court. If appropriate, simply fill it out and use it when paying filing fees. If the client is not a CVLS client, but still within 125% of the Federal Poverty Guidelines, you can prepare a Rule 298 Petition to seek waiver of filing fees. It must be taken to rm. 1901 of the Daley Center for approval. Approval usually takes 3-5 days. Generally, the Court will only approve a 298 Petition if a litigant is within 125% of the federal poverty guidelines. If you cannot use a fee waiver, or a 298 Petition is denied, your client has to pay the fees of **\$329.00** for filing, approximately **\$60** for

service by the sheriff (**\$180** for publication service) and approximately **\$50** for the transcript. You should have your client send CVLS **\$440** by check or money order (**\$560** if publishing). We will then forward to you a CVLS check(s) for the various fees, as needed.

When you are preparing the Petition for Dissolution (as well as the Judgment), keep in mind that the attached samples are for a simple divorce. There are no sample allegations for requesting a restraining order or for the division of significant marital property. If your matter involves these types of issues, which suggest a contested matter, you may need additional assistance.

III. FILING

Once you have your court costs taken care of, file your *Petition for Dissolution* (with a *Domestic Relations Cover Sheet* attached to Original *Petition for Dissolution* only), *Summons* or *Affidavit for Service by Publication*, *Military Affidavit*, and *Certificate of Dissolution* in **room 802** of the Daley Center. If you can use a *Civil Legal Services Provider Form*, or have a Rule 298 Petition granted, use this for payment of fees. Have the original plus a few copies for your file as these will also be file stamped.

IV. SERVING RESPONDENT/ACQUIRING JURISDICTION

(if publication service, see "If Not Served" below).

Personal jurisdiction must be obtained over the Respondent whenever possible. This is accomplished by having the Respondent personally served with the *Summons* and *Petition for Dissolution*. If personal jurisdiction is acquired over the Respondent, all issues of the divorce can be adjudicated. With publication service, however, the only relief available to a Petitioner is the dissolution itself and custody of children in the Petitioner's possession. With publication service, the court lacks the personal jurisdiction over the Respondent required to enter orders concerning money and property (this includes child support, maintenance and division of property and debt). Because of the lack of personal jurisdiction over the Respondent, the Judgment for Dissolution must state that "these issues are reserved until such time as the Respondent is personally served in this cause." Personal service outside of the state has the same legal effect as publication service unless the Respondent has some minimum contact with Illinois so that Illinois can exercise long-arm jurisdiction. This minimum contact could include: parties maintained a marital residence in Illinois; grounds for dissolution arose in Illinois.

To personally serve the Respondent, ordinarily you will go down to **room 701** to place the *Summons* with the Sheriff for service, immediately after you have filed your case. If you had court costs waived, your *Summons* will be marked "CLSP" or "298" and the Sheriff will not charge for service. If not waived, the service fee will be \$60. You will be giving

the Sheriff a stamped copy of the *Petition for Dissolution* and the original and 1 copy of the *Summons*.

If you have an out of State/County Respondent, contact the Sheriff in the County you believe Respondent resides. Ask if they have a form, in addition to the *Summons*, they require for setting up service. If not, send just a cover letter with the information on Respondent, a *Petition for Dissolution* (with attached *Asset Disclosure Statement*) and the original *Summons* and one copy. Request that they send you, not the court, the proof of service. Also, ask if they will honor our fee waiver form. If so, include a copy and refer to it in the cover letter. If not, again, client will have to pay the fee.

Once you receive the proof of service from the out of State/County Sheriff, make copies, file the original and file stamp your copies. If you placed the Petition for service with the Cook County Sheriff, they will handle the filing of the proof of service. You can contact them at **312.603.3365** to check if/when summons was served.

V. IF NOT SERVED

A. **Try again with an Alias Summons** if you believe the Respondent's address was good, the Sheriff just wasn't able to find the person at the times they attempted service, or you have another address for the Respondent. You are required to use diligent efforts to serve the Respondent. Additionally, personal service will allow for the complete adjudication of all issues of the divorce.

-OR-

B. If you cannot locate an address for the Respondent, **prepare the Affidavit for Service by Publication**. As stated above, your relief will be limited since you will not obtain personal jurisdiction over the Respondent. In order to set up publication service, ordinarily you would simply complete the *Affidavit*, have client sign and go to the Law Bulletin publication desk in rm. 802 to place for publication service. Although you still do this, if you have been able to use a fee waiver form you can go to your Judge any morning (it is a routine motion) and ask the Judge's clerk to enter an *Order for Free Publication*. Have the Order ready and be able to show the clerk or Judge the fee waiver form you used and a copy of your Petition with the calendar stamped to verify that you belong in that courtroom. Once you have the *Affidavit of Publication* and *Order for Free Publication*, go down to 802 and place for service at the Daily Law Bulletin publication desk. Simply hand them your *Affidavit for Service by Publication* and copies (they will stamp and give back copies) and the *Order for Free Publication*. You will receive in the mail a proof of service card from the Daily Law Bulletin and your default date. Follow directions below under "**When served**" to default the Respondent.

If Publication is your first choice of service, follow the same directions. You can

take care of service on the same day you file the Petition. When you file your Petition, your Judge's calendar number or letter will be stamped on the Petition. Take your Order for Free Publication up to the Judge for entry along with your fee waiver. When stamped, you can go immediately down to 802 and place for publication service.

VI. SET DEFAULT PROVE-UP

A. DOCUMENTS

** Certificate and Motion for Default (2 copies)*

B. WAIT FOR APPEARANCE AND RESPONSE

Once the Respondent is served, whether personally or by publication, s/he must file an Appearance AND Response within the time allowed (30 days from the personal service date or 30 days from the first publication date which is usually 4-5 days from the date placed with the Law Bulletin desk). If the Respondent fails to do so, s/he can be defaulted and the matter will proceed to a default prove-up hearing without his/her participation.

After the 30 days, check to see if the Respondent has filed a Response. Do this by checking your docket on the clerk's website (www.cookcountyclerkofcourt.org), calling the domestic relations clerk at 603-5262 with your case number ready or by going over to Rm. 802 and checking the computers yourself (if checking yourself, use the computers in 802, do not check the file. Filed documents can take several days to weeks to get into the court file. The computer will have that information immediately). A Respondent can be defaulted if they have filed an Appearance but no Response. If no Response has been filed, complete the top 2/3's of the *Certificate and Motion for Default*. When you are ready to set the matter for the default prove-up, go to room 802 of the Daley Center, pick up the Court file, bring it and the *Certificate and Motion for Default* to the motion computers, also in 802, and get a prove-up date. You will need to fill out a motion slip at the motion computers to get the prove-up date. You will receive a printout from the motion counter clerk with your prove-up date and judge.

YOU ARE ALLOWED TO PICK YOUR PROVE-UP JUDGE IN THE TEAM CALENDARS A, C, D and E. CALL CVLS IF YOU WANT SOME INSIGHT ON DIFFERENT JUDGES FOR A PROVE-UP.

C. CONTESTED MATTER – BRIEF DISCUSSION

Again, this chapter is not designed for contested matters. If the adverse party does in fact file a Response to the Petition, please contact CVLS if you need additional assistance. Briefly, however, if your matter is contested (a Response has been filed), it will be resolved in one of two ways – agreement or trial. Most contested divorces should be (and are) resolved by agreement. If a Response is filed in the matter, however, you should both prepare for a possible trial down the road and begin settlement negotiations. Discovery is often necessary for both purposes. Depending on your case, the scope of discovery can range from the:

- required (exchange of Asset Disclosure Statements within 30 days of filing of Appearance – Cook County Circuit Court Rule 13.3.1(b))
- to the cooperative and informal (voluntary exchange of additional income and asset documentation with opposing counsel)
- to the formal (interrogatories, notice to produce, depositions, document subpoenas and psychiatric or custody evaluations).

In many low income/small asset cases, you may get most of the necessary information to prepare your case from your client. Your formal discovery may be very limited. For example, you may simply need to obtain the Respondent's income records through a Notice to Produce or Subpoena. Prior to a final resolution of the matter, which can take some time, preliminary motions can, and often should, be filed. For example, you will often want to establish temporary custody and child support, or temporary maintenance, pending the outcome of the matter.

VII. NOTICE TO RESPONDENT

A. DOCUMENTS:

- * *Notice of Motion (2 copies)*
- * *Judgment for Dissolution of Marriage*

B. SPECIFICS

In default cases, you must serve the Respondent regarding the Motion for Default and Prove-up at least five (5) business days before the prove-up date. Fill out the *Notice of Motion*. Serve the Respondent, by regular mail, with a copy of the *Notice of Motion* (keep the original), *Certificate and Motion for Default* and a copy of your *Judgment*. You should file the *Notice of Motion*, but it is not required, as long as you can produce the original out of your file at the time of prove-up. Serve the Respondent at the address where he was served with the Summons. There is no requirement to serve a *Notice of Motion* when there has been publication service because you have no jurisdiction over the Respondent anyway.

VIII. PREPARE FOR PROVE-UP

A. DOCUMENTS

- * *Judgment for Dissolution of Marriage (3 copies)*
- * *Court Reporter Information Sheet (no copies)*
- * *Order for Free Transcript - if fee waiver approved (2 copies)*
- * *Order on Prove-up (28-day Order)(2 copies).*

If children and support awarded

- * *Uniform Order for Support (2 copies)*

B. SPECIFICS

The prove-up is a simple hearing where you prove the allegations of your Petition to the judge and request your relief. You will ask your client leading questions to establish the allegations needed for the court to make its findings and enter your Judgment. Have your copies of the *Petition for Dissolution, Certificate and Motion for Default, proposed Judgment, Military Affidavit, Court Reporter Information Sheet, Order for Free Transcript* (if you used a fee waiver form), and *28-day Order* ready for prove-up. If you're new to divorce prove-ups, you may want to prepare your questions in advance, using the sample attached.

If you have children involved, served Respondent by personal service and requested a child support award, you must also prepare a *Uniform Order for Support*.

Go to your courtroom at the scheduled time on the day of prove-up. Check in with the clerk. The clerk will take your *Certificate and Motion for Default*, fill in the bottom (the bottom third is the Order of Default and assignment) and check you in. The clerk will probably also want copies of all originals you expect to have entered including the proposed *Judgment, Uniform Order for Support, Order for Free Transcript* and *28-day Order*. Your client should be prepared for prove-up by this time, but if absolutely necessary, and you were not the first prove-up to check in, you can usually take a few minutes to additionally prepare the client.

IX. PROVE-UP

Once you've checked in with the Judge, wait for the case to be called. When called, step up with your client, hand the court reporter the *court reporter information sheet*, introduce yourself and the case to the Judge and hand the Judge a copy of your proposed Judgment, if you haven't already given one to the clerk when checking in. Inform the Judge as to how and when Respondent was served, that s/he has failed to file an Appearance and/or Response, that s/he is in default, the grounds of the dissolution and

the number of children. A prove-up day *summary instruction* and *sample prove-up* with questions are appended.

Proceed through your prove-up. Make sure at the end of your prove-up you ask for the *Judgment* to be entered instanter and, also, for a free transcript, if appropriate. The Judge will then make findings and award relief.

When done, step over to the clerk. Have copies of your *Judgment*, *Order for Free Transcript* and *28-day Order* stamped, as well as your *Support Order*, if child support was awarded. **Hand the court reporter an *Order for Free Transcript* before you leave.**

X. POST PROVE-UP

YOU'RE ALMOST DONE!!!!!!

A. DOCUMENTS

- * *Notice to Withhold Income for Support*
- * *Certificate of Service*
- * *Notice to Withhold Cover Letter*

B. SPECIFICS

If you were awarded support, and you are withholding support from Respondent's paycheck, you need to serve Respondent's employer with a *Notice to Withhold Income for Child Support*. You can serve it by certified or regular mail, personal service, or by facsimile. You should still use certified mail, however, so that you can verify service for future enforcement issues. Make sure you get the green card back before closing the file. When filling out the *Notice to Withhold*, you are ordinarily required to have the money sent to the State Disbursement Unit. The State Disbursement Unit was set up in Y2K to collect child support payments throughout the state, record the payment and forward the money to the obligee/custodian. You can only avoid sending support through the State Disbursement Unit if the court had approved a different plan when support was ordered.

Serve the employer with the *Notice to Withhold*, including a *Cover Letter* and a copy of the *Certificate of Service*. You MUST file the *Certificate of Service* along with a copy of the *Notice to Withhold*. Also, since the *Withholding Notice* will generally not be done in court (even if the Respondent was there), you must serve the Respondent with a copy of the *Notice to Withhold* you sent to the employer. You must also file the *Certificate of Service* for service on the Respondent. Service on Respondent can, and should, be by regular mail.

Finally, after about 20-25 days contact the court reporter (603-8405) to see if the transcript is done. Unless waived by the Judge at prove-up, a transcript of the proceedings has to be filed. If not, your case could be DWP'd (dismissed for want of prosecution). Pick it up when it's ready, make a copy of the transcript, file the original and file stamp your copy. It should be filed with the domestic relation's clerk in Room 802, who will stamp your copy and deliver the original to the Judge's clerk for the Judge's signature. If your Judgment or Uniform Order for Support were not entered instanter, take the transcript with you for entry by the Judge when you return to court for entry of the Judgment or Support Order.

CLOSE FILE and RETURN THE CVLS INTAKE SHEET.

You may have specific questions about your case. Please feel free to contact us at CVLS, at any time.

DIVORCE INTAKE QUESTIONNAIRE

Interviewer:_____ Date:_____ Clinic:

CLIENT M/F

SPOUSE M/F

NAME_____

Current or Last Known Address:

Phone_____

Date & State of Birth:

Length of Residence in IL:

Race_____

Amount & Source of Income:

Occupation_____

Employer - Name, Address & Phone:

Department/Hours Worked

Income (Gross & Net)

Social Security Number

1st, 2nd, etc Marriage/How others ended

Level of Education_____

FOUNDATIONS: Provide facts & dates where applicable

Mental Cruelty_____

Physical Cruelty (need 2 dates)_____

Desertion (Respondent must have left at least 1 yr ago)_____

Irreconcilable Differences (requires 2 year separation unless *both parties* sign stipulation reducing to **6 month** separation)_____

Date of Marriage_____ City, State_____ County_____ Date of Last Separation_____

Are you (or wife) pregnant? _____

Children born to or adopted by the Parties:

| Name | Address | Age/Date of Birth | Social Sec. # |
|------|---------|-------------------|---------------|
|------|---------|-------------------|---------------|

| | | | |
|--|--|--|--|
| | | | |
| | | | |
| | | | |

If either party has other children not listed above, provide names, addresses, birth dates & name of parent below:

| | | | |
|--|--|--|--|
| | | | |
| | | | |

Special needs of children? (medical, educational, etc.)

| |
|--|
| |
| |

Property: Real Estate _____ Joint Tenancy Y/N

Current approximate net equity in property

Other property (describe, in whose name/possession)

| |
|--|
| |
| |

Debts (List creditor, amount, account number & who incurred)

| |
|--|
| |
| |

Wife's Maiden Name: _____ Does wife want to resume? Y/N

What does client want?

| |
|--|
| |
| |

What does client think spouse will want/contest?

| |
|--|
| |
| |

Where should Respondent be served & what are the best times for service?

| |
|--|
| |
| |

Does client qualify for a CLSP fee waiver? (Income 125% or less than federal poverty guidelines) _____

If no, client has been instructed to pay \$_____ in court costs.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-DOMESTIC RELATIONS DIVISION

IN RE: THE MARRIAGE OF

No:

AND

Calendar:



PETITION FOR DISSOLUTION OF MARRIAGE

NOW COMES the Petitioner, _____ by _____ of Chicago Volunteer Legal Services Foundation, her attorney. The Petitioner complains of the Respondent, alleging that:

750 ILCS 5/403 (REMOVE CITES WHEN DRAFTING)

1. The Petitioner is 39 years old. Her occupation is a part-time Bookkeeper. She lives at 6796 Chicago, IL.

2. The Respondent is 25 years old. His occupation is N/A. He lives at 3315 N. Karlov, Chicago, IL.

3. The parties were lawfully married on October 12, 1999. The marriage took place and was registered in the City of Chicago, in Cook County, Illinois. Thereafter the parties resided together until on or about April 9, 2002.

4. The Petitioner was a resident of Cook County, Illinois at the time this action was commenced.

5. No other petition for dissolution of marriage is pending in any other county or state.

6. The following child(ren) were born to the parties during their marriage
Or prior to the marriage and are acknowledged by the Respondent to be his offspring:

Jesse Lopez, born (date), age xx.

No additional children were born to, or adopted by, these parties and the
Petitioner is not now pregnant (if Petitioner is the wife) OR the Respondent is not now
pregnant by the Petitioner (if Petitioner is the husband).

750 ILCS 5/602

7. The minor child(ren) reside with the (Petitioner/Respondent). The
(Petitioner/Respondent) is a fit and proper person to be awarded the minor child(ren)'s
sole custody and such an award is in the child(ren)'s best interests.

8. The minor children of the parties lived in no state other than Illinois and
with no other person than Petitioner for the past six months. The minor children of the
parties have lived at the current address for the past 5 years, or their entire lifetime.

9. The Petitioner has not participated in any capacity in any litigation in any
state, other than this action, concerning custody of any minor child of this marriage.

10. The Petitioner has no information of any pending custody proceeding, or
of any person not a party to this proceeding who had physical custody or claims to have
custody or visitation rights, concerning any minor child of this marriage.

11. The income of the parties is as follows:

a. The Petitioner is *employed by/unemployed/disabled, etc.* and
earning/receiving \$ per .

b. The Respondent is *employed by/ unemployed/disabled, etc.* and
earning/receiving \$ per .

750 ILCS 5/401

12. The Respondent has been guilty of extreme and repeated mental cruelty towards the Petitioner. Petitioner did nothing to cause of provoke these acts.

Or

The Respondent has been guilty of extreme and repeated physical cruelty towards the Petitioner. Petitioner did nothing to cause of provoke these acts.

Or

The parties are separated and have lived separate and apart for a continuous period in excess of two years. Irreconcilable differences have caused the irretrievable breakdown of the marriage. The parties' efforts at reconciliation have failed and future attempts at reconciliation would be impracticable and not in the best interests of the family.

or

Without cause or provocation by the Petitioner, Respondent has wilfully deserted and abandoned the Petitioner for a period of more than one year.

750 ILCS 5/503

13. **MARITAL PROPERTY. USE ONE OF THESE OR CREATE YOUR OWN TO FIT THE FACTS.**

*** During the marriage, the parties acquired nominal marital property which should be equitably divided.

*** The parties acquired no marital real estate. Their marital personal property has previously and equitably been divided between them.

*** The parties have acquired, through their joint efforts, certain marital

property, which includes but is not limited to the following: (set out major assets, such as automobiles, major of furniture/appliances, cash deposits, stock, pension plans, etc.) [In addition, the parties have acquired certain marital real estate located at (address), which is legally described as follows:_____.

14. NON-MARITAL PROPERTY. SELECT AN OPTION OR WRITE YOUR OWN.

*** Both parties are now in possession of their own non-marital property and should be awarded the right of exclusive possession for same.¹

*** The Petitioner owns certain non-marital property which should be assigned to her. This property includes, but is not limited to:² _____

*** [In addition], the Respondent should be compelled to return to the Petitioner, the following items which are the Petitioner's non-marital property: ___. Should the Respondent fail to return said property, the Petitioner should be awarded the sum of (\$___) as reasonable compensation thereof. [In addition, the Respondent should be compelled to pay to Petitioner the sum of (\$___) as reasonable compensation for destroying (or wrongfully conveying) the following non-marital property of the Petitioner: (list property, valuing each item).

¹This clause would generally be used where it is almost certain that there will be no contested property issue - usually, when the parties have been separated a long time and/or when there are virtually no assets. If there are any significant non-marital assets, even if the separation is lengthy, you should assume that the Respondent may claim a portion and consider using the following paragraph.

²Set out the address and legal description of any non-marital real estate. If there is any significant personal property which your client claims as non-marital and you believe that a question may arise as to this characterization, specifically name that property, eg. "a 1995 Pontiac automobile".

15. DEBTS. SELECT ONE OR WRITE YOUR OWN.

*** There are no known marital debts.

*** The parties have acquired marital debts, which should be equitably apportioned between the parties. [These debts include, but are not limited to: account names, numbers and balances _____.] [In addition, the Respondent has incurred the following non-marital debts for his own personal purposes and the Court should order the Respondent to pay same, holding Petitioner harmless thereon.³ _____.]

750 ILCS 5/504

16. MAINTENANCE. SELECT ONE OR WRITE YOUR OWN.

*** The Petitioner lacks sufficient income and property to support herself. The Respondent is able-bodied and well-able to contribute to Petitioner's temporary and permanent maintenance and should be ordered by this Honorable Court to do so. Respondent is capable of self-support.⁴

³The third-party creditors are not bound by a divorce decree since they are not parties to this action. If the debt was arguably incurred for a family expense, advise your client that the creditor is apt to pursue both parties. Your client's remedy--apart from defending the collection action by trying to show that the expense was not family-related--is to return to divorce court on a **Petition for a Rule to Show Cause** to seek reimbursement from the ex-spouse. Creditors, however, usually pursue the most monied spouse, so your client's odds of recovery may be slight.

⁴People who are state-supported by public aid or SSI cannot legally waive maintenance. They must ask for it, at least in their pleadings. If you know that the Respondent is himself/herself so supported and will probably be a career recipient of these benefits, ignore the above "able-bodied" language and substitute, "the Respondent is unemployed and supported by (_____) and is therefore unable to contribute to Petitioner's support at this time." However, if the Respondent seems to earn a living without public assistance, we would suggest you ask for maintenance in appropriate circumstances because during the course of the litigation, you may discover available funds.

*** Both parties are able-bodied and employed/employable and capable of self-support.

750 ILCS 5/505

17. **CHILD SUPPORT. SELECT ONE OF THESE OR CREATE YOUR OWN.**

*** The Petitioner lacks sufficient income and assets to support the minor child(ren). The Respondent is able-bodied and well-able to temporarily and permanently contribute to the support of the minor child(ren), as well as maintain adequate insurance for their benefit.⁵

*** The Petitioner understands that she must contribute to the support of the minor child(ren) in the possession of the Respondent, to whom she has asked the Court to award custody.⁶

WHEREFORE, your Petitioner respectfully prays that this Honorable Court grant that:

A. The parties be granted a Judgment of Dissolution Marriage, dissolving the bonds of matrimony between them.

B. The Petitioner/Respondent be awarded temporary and permanent custody of the minor child(ren).

C. **SELECT OR WRITE A PRAYER FOR RELIEF WHICH MATCHES YOUR ALLEGATION ABOUT MARITAL PROPERTY.**

*** Both parties be awarded their marital property, previously divided,

⁵Re-read the above cautions and alternatives. Also, if the children are college students or disabled adults, be sure to tailor your pleadings to these special circumstances.

⁶If your client has an income and is not asking for custody, s/he may as well admit a support obligation.

which is now in their possession.⁷

*** The parties' marital property be equitably divided.⁸

D. SELECT OR WRITE A PRAYER FOR RELIEF WHICH MATCHES YOUR ALLEGATION ABOUT NON-MARITAL PROPERTY.

*** The parties be awarded possession of the non-marital property which is currently in their possession.

*** The Petitioner be assigned the following as her own non-marital property:_____.

*** The Respondent be ordered to return to the Petitioner, the items described in paragraph 11, foregoing, or pay the sum of (\$____) as reasonable compensation thereof. [The Respondent be ordered to pay the sum of (\$____) as reasonable compensation for destroying (or wrongfully conveying) non-marital property of the Petitioner.]

E. DEBTS. SELECT ONE OR WRITE YOUR OWN.

*** (when no known marital debt). Each party be solely responsible for any debt incurred in their own name.

⁷Use this even if the parties "acquired no significant marital property."

⁸Past practice was for Petitioner to ask for all of certain marital property, usually the home. "That Petitioner be awarded as his/her share of the marital property exclusive possession of and title to (_____). Courts today do not seem too impressed by these allegation, unless your Petition alleges a clear basis for it. If you have truly unusual circumstances (eg. they bought the house together in 1972 and he hasn't been around since 1980 and she has made all tax, mortgage, and utility payment thereafter), you will probably want to stick to a very vague prayer for relief. However, if a specific asset is only arguable marital property and your client suspects the spouse may default, you may wish to flat-out ask for an award here.

*** (nominal marital debt). The marital debts of the parties be equitably apportioned.

*** The Respondent be ordered to pay [the following] debts which are non-marital in nature and to hold Petitioner harmless thereon [: _____.]

F. MAINTENANCE. SELECT ONE OR WRITE YOUR OWN.

*** The Respondent be ordered to pay temporary and permanent maintenance in reasonable amount [and that Respondent be temporarily and permanently barred from maintenance].

*** Maintenance be reserved as to both parties, both currently being unable to support themselves or the spouse.

*** Maintenance be temporarily and permanently barred as to both parties, each being capable of self-support.

*** Maintenance be reserved for Petitioner.

G. CHILD SUPPORT. SELECT ONE OF THESE OR CREATE YOUR OWN.

*** The Petitioner/Respondent be temporarily and permanently ordered to pay child support and make appropriate insurance provisions for the minor child(ren) [and/or support for the adult disabled child(ren) and/or a reasonable contribution to post-high-school education] in reasonable amount.

*** Child support be reserved until the Respondent is employed or acquires other income.

H. OPTIONAL Petitioner be permitted to resume her former name of (_____).

I. THIS LANGUAGE IS REQUIRED IN EVERY PETITION.

For such other and further relief as this Honorable Court deems just and equitable.

[NOTE: This "form" is not all-inclusive. You may ask for such additional relief as you feel is warranted, provided that you have a corresponding narrative paragraph.]

(NAME), Petitioner

CERTIFICATION

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that s/he subscribed his/her name to the above and foregoing petition, knows the contents thereof and that the allegations contained therein are true.

(NAME), Petitioner

/s/
ATTORNEY NAME
ATTORNEY FIRM
Attorney for Petitioner
Street and Suite
City, State and ZIP
Phone (and FAX)
ATTORNEY NUMBER

SAMPLE

Law Firm No. 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-DOMESTIC RELATIONS DIVISION

IN RE: THE MARRIAGE OF

ROBERTA NOE,

PETITIONER

AND

JAMES NOE,

RESPONDENT

No:

Calendar:

PETITION FOR DISSOLUTION OF MARRIAGE

NOW COMES the Petitioner, Roberta Noe, by Larry Lawyer of Chicago Volunteer Legal Services Foundation, her attorney. The Petitioner complains of the Respondent, alleging that:

1. The Petitioner is 26 years old. She is currently unemployed. She lives at 456 Street, Chicago, IL.
2. The Respondent is 28 years old. His occupation is a maintenance worker. He lives at 123 Lane, Chicago, Illinois.
3. The parties were lawfully married on February 14, 1995. The marriage took place and was registered in the City of Chicago, Cook County, Illinois. Thereafter the parties resided together until on or about December 1, 2000.
4. The Petitioner was a resident of Cook County, Illinois at the time this action was commenced.
5. No other petition for dissolution of marriage is pending in any other county

or state.

6. The following child was born to the parties prior to their marriage, but is acknowledged by the Respondent to be his offspring, namely: William Noe, born June 12, 1993, age 9. One child was born to the parties during their marriage, namely: Lily Noe, born April 15, 1995, age 7. No additional children were born to, or adopted by, these parties and the Petitioner is not now pregnant by the Respondent.

7. The minor children reside with the Petitioner. The Petitioner is a fit and proper person to be awarded the minor children's sole custody and such an award is in the children's best interests. Respondent is a fit and proper person to be awarded reasonable visitation with the children.

8. The income of the parties is as follows:

a. The Petitioner is unemployed and receiving \$ 743 per month from unemployment compensation.

b. The Respondent is employed by ABC Corporation and is earning approximately \$1000 per month net.

9. The parties are separated and have lived separate and apart for a continuous period in excess of two years. Irreconcilable differences have caused the irretrievable breakdown of the marriage. The parties' efforts at reconciliation have failed and future attempts at reconciliation would be impracticable and not in the best interests of the family.

10. The parties acquired no marital real estate. Their marital personal property has previously and equitably been divided between them.

11. Both parties are now in possession of their own non-marital property and

should be awarded the right of exclusive possession for same.

12. There are no known marital debts.

13. The Petitioner lacks sufficient income and property to support herself. The Respondent is able-bodied and well-able to contribute to Petitioner's temporary and permanent maintenance and should be ordered by the this Honorable Court to do so. Respondent should be temporarily and permanently barred from maintenance.

14. The Petitioner lacks sufficient income and assets to support the minor children. The Respondent is able-bodied and well-able to temporarily and permanently contribute to the support of the minor children, as well as maintain adequate insurance for their benefit.

WHEREFORE, your Petitioner respectfully prays that this Honorable Court grant that:

A. The parties be granted a Judgment of Dissolution Marriage, dissolving the bonds of matrimony between them.

B. The Petitioner be awarded temporary and permanent custody of the minor children. The Respondent be awarded reasonable rights of visitation.

C. Both parties be awarded their marital property, previously divided, which is now in their possession.

D. The parties be awarded possession of the non-marital property which is currently in their possession.

E. Each party be responsible for paying those debts in their own names.

F. Maintenance be reserved as to Petitioner as she is currently unemployed and Respondent be temporarily and permanently barred from maintenance.

G. The Respondent be temporarily and permanently ordered to pay child support and make appropriate insurance provisions for the minor children in a reasonable amount.

H. Petitioner be permitted to resume her former name of ROE.

I. For such other and further relief as this Honorable Court deems just and equitable.

ROBERTA NOE, Petitioner

CERTIFICATION

Under penalties as provided by law, pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that s/he subscribed his/her name to the above and foregoing petition, knows the contents thereof and that the allegations contained therein are true.

Roberta Noe, Petitioner

/s/
Larry Lawyer
Chicago Volunteer Legal Services
Attorney for Petitioner
100 N. LaSalle, Suite 900
Chicago, IL 60602
312.332.1624
Atty No: 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:

ROBERTA NOE,

Petitioner
and

JAMES NOE

Respondent

No.

DOMESTIC RELATIONS COVER SHEET

A Domestic Relations Cover Sheet shall accompany the initial pleading in all actions filed in the Domestic Relations Division. The information contained herein is for administrative purposes only and shall not be introduced into evidence. Please check the box in front of the category which best describes the action to be filed.

GENERAL PROCEEDINGS

- A 0017 [] Praecipe for Dissolution of Marriage
- B 0018 [] Praecipe for Legal Separation
- C 0001 [X] Petition for Dissolution of Marriage
- D 0003 [] Petition for Legal Separation
- E 0002 [] Petition for Declaration of Invalidity of Marriage
- F 0006 [] Petition for Legal Separation or/alternative Dissolution of Marriage
- G 0007 [] Petition for Declaration of Invalidity or/alternative Dissolution of Marriage
- H 0010 [] Joint Petition for Simplified Dissolution of Marriage
- I 0004 [] Petition for Custody only
- J 0011 [] Petition for Custody (Hague Convention)
- K 0005 [] Petition for Visitation only
- L 0007 [] Petition for Order of Protection only (which may include custody/visitation issues)
- M 0085 [] Petition to Register Foreign Judgment
- N [] Other Petition

SUPPORT ENFORCEMENT PROCEEDINGS

- O 0038 [] Administrative Declaration of Parentage
- P 0034 [] Parentage (IV-D)
- Q 0033 [] Parentage (non IV-D)
- R 0035 [] Article X (IV-D)
- S 0039 [] Article X (non IV-D)
- T 0037 [] URESA/UIFSA (IV-D)
- U 0036 [] URESA/UIFSA (IV-D)

0100 0101

This action [X] does \ [] does not involve a minor child or children. The parties [] have \ [X] have not previously filed a divorce or

106 0107

[] have \ [X] have not filed a parentage action between them. In the event the parties have previously filed a prior action the

action was filed on _____, _____ and assigned case number _____

and initially assigned to Judge _____.

Chicago Volunteer Legal Services
100 N. LaSalle, Suite 900, Chicago, IL 60602
312-332-1624
Atty No: 91139

[X] Attorney [] Pro Se

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ROBERTA NOE,
Plaintiff

No. _____

JAMES NOE,
Defendant

AFFIDAVIT AS TO MILITARY SERVICE

Roberta Noe on oath states:

With respect to defendant James Noe,

The defendant is not
(the defendant is) (the defendant is not) (I am unable to determine whether the defendant is)

in the military service of the United States.

This affidavit is based on these facts:

Known civilian residence and/or occupation

Or

Defendant is too old to be active duty military

Or

Defendant is known to be incarcerated in a state correctional facility, etc.

[X] Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above signed certifies that the statement set forth herein are true and correct.

Atty No.: 91139

Name: Larry Lawyer

Atty. for: Petitioner

Address: 100 N. LaSalle, Suite 900

City/State/Zip: Chicago, IL 60602

Telephone: 332-1624

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Daley Center District 4
 District 2 District 5
 District 3 District 6

(Rev.12/1/00) CCDR 0001A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE CUSTODY
 SUPPORT OF ORDER OF PROTECTION

NO: 03 D 00000

CALENDAR: A

ROBERTA NOE,
PETITIONER

Please serve the Respondent at:

AND

123 N. Lane

JAMES NOE,
RESPONDENT

Chicago, IL 60654

(SS# If known): _____

2120 - Summons - Retd. P.S.

2220 - Summons - Retd. N.S.

2121 - Alias Summons - Retd. P.S.

2221 - Alias Summons - Retd. N.S.

2700 - Return of Service P.S. - Ord. of Protect

2702 - Return of Service N.S. - Ord. of Protect

SUMMONS

TO THE RESPONDENT:

The Petitioner has filed a legal proceeding against you for one or more of the following

Dissolution of Marriage Legal Separation Declaration of Invalidity Custody Child Support
 Order of Protection under the Domestic Violence Act Praecipe for Summons Other: _____

YOU ARE SUMMONED and required to file your WRITTEN APPEARANCE AND RESPONSE in the Office of the Clerk of the Circuit Court Located at:

Richard J. Daley Center, Room 802, Chicago, IL 60602 District 2: 5600 Old Orchard Rd., Skokie, IL 60077
 District 3: 2121 Euclid, Rolling Meadows, IL 60008 District 4: 1500 Maybrook Dr., Maywood, IL 60153
 District 5: 10220 S. 76th Ave., Bridgeview, IL 60455 District 6: 16501 S. Kedzie Pkwy., Markham, IL 60426

not later than 30 days 7 days after service of this summons, not counting the day of service.

IF YOU FAIL TO FILE YOUR WRITTEN APPEARANCE WITHIN THE TIME STATED ABOVE, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU AND THE COURT MAY GRANT THE PETITIONER ALL OR PART OF THE RELIEF THAT SHE OR HE IS REQUESTING IN HER OR HIS PETITION.

TO THE OFFICER: This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

WITNESS, _____, _____

Circuit Court Clerk

Atty. Code No.: 91139

Date of Service: _____, _____

Name: Chicago Volunteer Legal Services

[To be inserted by officer on copy left with respondent or other person]

Attorney for: Roberta Noe

Address: 100 North LaSalle, Suite 900

City/State/Zip: Chicago, IL 60602

Telephone: (312) 332-0000

SEE REVERSE SIDE

**Service by Facsimile Transmission will be accepted at: _____

(Area Code) (Facsimile Number)

NOTICE PURSUANT TO ILLINOIS SUPREME COURT RULE SCR 101(E)

ON SERVICE OF THIS SUMMONS, A DISSOLUTION ACTION STAY SHALL BE IN EFFECT, RESTRAINING BOTH PARTIES, AS PROVIDED BY STATUTE

750 ILCS 5/501.1(a) of the Illinois Marriage and Dissolution of Marriage Act includes the following:

Dissolution action stay.

a) Upon service of a summons and petition or praecipe filed under the Illinois Marriage and Dissolution of Marriage Act or upon the filing of the respondent's appearance in the proceedings, whichever first occurs, a dissolution action stay shall be in effect against both parties and their agents and employees, without bond or further notice, until a final judgment is entered, the proceeding is dismissed, or until further order of the court:

- (1) restraining both parties from physically abusing, harassing, intimidating, striking or interfering with the personal liberty of the other party or the minor children of either party; and
- (2) restraining both parties from removing any minor child of either party from the State of Illinois or from concealing any such child from the other party without the consent of the other party or an order of the court.

ANY PERSON WHO FAILS TO OBEY A DISSOLUTION ACTION STAY MAY BE SUBJECT TO PUNISHMENT FOR CONTEMPT.

* * * * *

*When a praecipe for summons filed without the petition, the petitioner has commenced suit for dissolution of marriage or legal separation and the respondent is required to file his or her appearance not later than 30 days from the day the summons is served and to plead to the petitioner's petition within 30 days from the day the petition is filed. {750 ILCS 5/411 (b)}

DOROTHY BROWN, CLERK OF THE CIRCUIT COURTY OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN RE THE MARRIAGE OF:

ROBERTA NOE,
Petitioner,
and
JAMES NOE,
Respondent



No. 03 D 00000

Calendar: A

AFFIDAVIT FOR SERVICE BY PUBLICATION

Roberta Noe on oath states as to
Defendant James Noe:

1. Defendant (check off ONE of the following):

- resides outside the state so that process cannot be served upon defendant.
- has gone out of the state so that process cannot be served upon defendant.
- on due inquiry cannot be found so that process cannot be served upon defendant.
- is concealed within the state so that process cannot be served upon defendant.

2. Defendant's place of residence (check off ONE of the following):

is (address) _____

City State Zip

upon diligent inquiry cannot be ascertained and his last known place of residence is at:

(Address) 123 N. Lane

Chicago IL 60654
City State Zip

Subscribed and sworn to before me _____,

Notary public

Name: Chicago Volunteer Legal Services
Attorney for: Roberta Noe
Address: 100 North LaSalle, Suite 900
City: Chicago, Illinois 60602
Telephone: 312.332.0000
Atty No.: 91139

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

In Re the Marriage of:

ROBERTA NOE,
Petitioner
and

JAMES NOE,
Respondent

No: 03 D 00000
Calendar: A

ORDER FOR FREE PUBLICATION

On the Motion of the Petitioner, by attorney Adam Attorney of Chicago Volunteer Legal Services Foundation; application having been previously granted by this Court to sue as a poor person; and it appearing to the Court that it is necessary that service be had on the Respondent by Publication in accordance with §2-206 of the Code of Civil Procedure; and it further appearing that the Petitioner is unable to pay the costs of said Publication.

IT IS HEREBY ORDERED:

That the Clerk of the Court shall cause publication to be made herein, in the manner provided by law, and that the Clerk shall pay the costs of said publication.

ENTER:

J U D G E

Attorney: Larry Lawyer
Chicago Volunteer Legal Services
100 N. LaSalle #900
Chicago, IL 60602
312.332.0000
Atty Code 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

ROBERTA NOE _____,
PETITIONER

V.

No. 03 D 00000 _____

JAMES NOE _____,
RESPONDENT

REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER

I, Larry Lawyer _____, a civil legal services provider have determined that
(attorney's name)

Roberta Noe _____ is eligible to have all fees relating to filing, appearing, transcripts
(name of client)

on appeal, and service of process waived because Roberta Noe _____'s income
(name of client)

is 125% or less of the current official federal poverty income guidelines, or

Roberta Noe _____ is otherwise eligible to receive civil legal services under the
(name of client)

Legal Services Corporation Act of 1974.

Attorney Certification

Civil Legal Services Provider: Chicago Volunteer Legal Services

Attorney Name: Larry Lawyer _____

Attorney No.: 91139 _____

Address: 100 N. LaSalle Street, Suite 900 _____

City, State, Zip: Chicago, IL 60602-2405 _____

Telephone: (312)332-0000 _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

STATEMENT OF INCOME

As of _____

Gross Monthly Income

| | |
|-----------------------------------|-----------------|
| Salary / wages / base pay | \$ _____ |
| Overtime / commission | _____ |
| Bonus | _____ |
| Draw | _____ |
| Pension and retirement benefits | _____ |
| Annuity | _____ |
| Interest income | _____ |
| Dividend income | _____ |
| Trust income | _____ |
| Social Security | _____ |
| Unemployment benefits | _____ |
| Disability payment | _____ |
| Worker's compensation | _____ |
| Public Aid / Food Stamps | _____ |
| Investment income | _____ |
| Rental income | _____ |
| Business income | _____ |
| Partnership income | _____ |
| Royalty income | _____ |
| Fellowship / stipends | _____ |
| Other income (specify): _____ | _____ |
| TOTAL GROSS MONTHLY INCOME | \$ _____ |

Required Monthly Deductions

| | |
|---|----------|
| Federal Tax (based on _____ exemptions) | \$ _____ |
| State Tax (based on _____ exemptions) | _____ |
| FICA (or Social Security equivalent) | _____ |
| Medicare Tax | _____ |
| Mandatory retirement contributions required by law Or as condition of employment | _____ |
| Union Dues (Name of Union: _____) | _____ |
| Health / Hospitalization Premiums | _____ |
| Prior Obligation(s) of support actually paid pursuant to Court order | _____ |
| Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income (identify and itemize) | _____ |
| Medical expenditures necessary to preserve life or health | _____ |
| Reasonable expenditures for the benefit of the child and the Other parent exclusive of gifts (for non-custodial parent only) (identify and itemize on a separate sheet) | _____ |

| | |
|--|-----------------|
| TOTAL REQUIRED DEDUCTIONS FROM INCOME | \$ _____ |
| <u>NET MONTHLY INCOME</u> | \$ _____ |

STATEMENT OF MONTHLY LIVING EXPENSES

As of _____

1. Household

- a. Mortgage or rent (specify) \$ _____
- b. Home equity payment _____
- c. Real estate taxes, assessments _____
- d. Homeowners or renters insurance _____
- e. Heat / fuel _____
- f. Electricity _____
- g. Telephone (include long distance) _____
- h. Water and sewer _____
- i. Refuse removal _____
- j. Laundry / dry cleaning _____
- k. Maid / cleaning service _____
- l. Furniture and appliance repair / replacement _____
- m. Repairs and maintenance to dwelling _____
- n. Lawn and garden/snow removal _____
- o. Food (groceries household supplies, etc.) _____
- p. Liquor, beer, wine, etc. _____
- q. Cable/Satellite TV _____
- r. Internet Service Provider _____
- s. Other (specify): _____

SUBTOTAL HOUSEHOLD EXPENSES:

\$ _____

2. Transportation

- a. Gasoline \$ _____
- b. Repairs _____
- c. Insurance / license / city stickers _____
- d. Payments / replacement _____
- e. Alternative transportation _____
- f. Parking _____
- g. Other (specify): _____

SUBTOTAL TRANSPORTATION EXPENSES:

\$ _____

3. Personal

- a. Clothing \$ _____
- b. Grooming _____
- c. Medical (after insurance proceeds / reimbursement)
 - (1) Doctor _____
 - (2) Dentist _____
 - (3) Optical _____
 - (4) Medication _____
- d. Insurance
 - (1) Life (term) _____
 - (2) Life (whole) _____
 - (3) Medical / Hospitalization _____
 - (4) Dental / Optical _____
- e. Other (specify): _____

SUBTOTAL PERSONAL EXPENSES:

\$ _____

- 4. Miscellaneous:
 - a. Clubs / social obligations / entertainment \$ _____
 - b. Newspapers, magazines, books _____
 - c. Gifts _____
 - d. Donations, church or religious affiliations _____
 - e. Vacations _____
 - f. Computer/Supplies/Software _____
 - g. Other (specify): _____

SUBTOTAL MISCELLANEOUS EXPENSES: \$ _____

- 5. Minor and/or Dependent children
 - a. Clothing \$ _____
 - b. Grooming _____
 - c. Education
 - (1) Tuition _____
 - (2) Books / Fees _____
 - (3) Lunches _____
 - (4) Transportation _____
 - (5) School-sponsored activities _____
 - d. Medical (after insurance proceeds):
 - (1) Doctor _____
 - (2) Dentist _____
 - (3) Optical _____
 - (4) Medication _____
 - e. Allowance _____
 - f. Child care/Pre-school care/after-school care(not included elsewhere) _____
 - g. Sitters _____
 - h. Lessons/extracurricular activities/supplies _____
 - i. Clubs / Summer camps _____
 - j. Vacations (children only) _____
 - k. Other activities _____
 - l. Entertainment _____
 - m. Other (specify): _____

SUBTOTAL CHILDREN'S EXPENSES: \$ _____

TOTAL MONTHLY LIVING EXPENSES: \$ _____

STATEMENT OF LIABILITIES

| CREDITOR NAME | PAYMENT FOR | BALANCE DUE | MINIMUM MONTHLY PAYMENT |
|---------------|-------------|-------------|-------------------------|
| _____ | _____ | \$ _____ | \$ _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

SUBTOTAL MONTHLY DEBT SERVICE: \$ _____

RECAPITULATION

| | |
|---|----------|
| <u>NET MONTHLY INCOME</u> | \$ _____ |
| <u>TOTAL MONTHLY LIVING EXPENSES</u> | _____ |
| <u>DIFFERENCE BETWEEN NET INCOME AND EXPENSES</u> | _____ |
| <u>LESS MONTHLY DEBT SERVICE</u> | _____ |
| <u>INCOME AVAILABLE PER MONTH</u> | _____ |

CONTINGENT LIABILITIES:

(Provide potential obligor, claimant, basis of claim, date incurred, amount claimed, who incurred.)

Have you ever filed for Bankruptcy? _____ Yes _____ No
 If so, when? Date _____ Case No. _____

 Additional Cash Flow (monthly) (Identify but do not add to monthly income)
Spousal Support Received
 (Payments received from prior Judgment or Support orders in other actions): _____
 Case No.: _____
Child Support Received
 (Payments received pursuant to Court order in this action): _____
 (Payments received pursuant to Court order in other actions): _____
 Case No.: _____

STATEMENT OF ASSETS

The date of valuation is _____ unless otherwise specified. Please designate values.
 In prejudgment dissolution of marriage actions, please indicate whether the property is marital (M) or non-marital husband (NMH) or non-marital wife (NMW).

| <u>Description of Asset</u> | <u>Titled in Name of</u> | <u>M/NMH/NMW</u> | Value |
|-----------------------------|--------------------------|------------------|-------|
|-----------------------------|--------------------------|------------------|-------|

CASH or CASH EQUIVALENTS:

1. Savings or interest-bearing accounts
2. Checking Accounts
3. Certificates of Deposit
4. Money Market Accounts
5. Cash
6. Other (specify):

INVESTMENT ACCOUNTS and SECURITIES:

1. Stocks
2. Bonds
3. Tax exempt securities
4. Secured or Unsecured Notes
5. Other (specify):

REAL PROPERTY:

(provide address, type and description, amounts of mortgages, loans or liens)

1. Residence
2. Secondary or vacation residence
3. Investment or Business Real Estate
4. Vacant Land
5. Other (specify):

MOTOR VEHICLE(S): Boats, Trailers, Etc. (Provide Year, Model, Make, Lien, Debtor, Amount)

BUSINESS INTERESTS: Corporations, Partnerships, Sole Proprietorships (Provide percentage interest and number of shares, name of business, type of business, type of entity, current accounts receivable, current bank account balances, current inventory value)

INSURANCE POLICIES: Life, medical, disability, business overhead, property, etc. (Provide type of insurance, insurer, policy number, name of insured, owner of policy, face amount, beneficiary, face value, cash value, surrender value, current death benefits)

PENSION PLANS, IRA ACCOUNTS, DEFERRED COMPENSATION, ANNUITIES, 401K, etc.:

(Provide name and type of plan; trustee of plan; nature of interest; beneficiary; vested or non-vested; current value)

STOCK OPTIONS, ESOPS, OTHER DEFERRED COMPENSATION OR EMPLOYMENT BENEFITS:

(Describe fully)

INCOME TAX REFUNDS: Federal and State (identify tax year)

CHOSSES IN ACTION:

(Provide date of occurrence, nature/amount of claim, date suit filed, case number, name of plaintiffs)

COLLECTIBLES: (Coins, stamps, art, antiques, etc.)

ALL OTHER PROPERTY: (Personal or Real, NOT PREVIOUSLY LISTED valued in excess of \$500.00)

STATEMENT OF ASSETS TRANSFERRED OR SOLD

List all assets transferred or sold in any manner during the preceding three years, or length of marriage, whichever is shorter (transfers or sales in the routine course of business which resulted in an exchange of assets of substantially equivalent value need not be specifically disclosed where such assets are otherwise identified in the statement of net worth.)

| Description of Property | To Whom Transferred or Sold And Relationship to Transferee | Date of Transfer | Value | Amount Received |
|-------------------------|---|------------------|-------|--------------------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

STATEMENT OF HEALTH INSURANCE COVERAGE

Currently effective health insurance coverage? _____ Yes _____ No

Name of insurance carrier: _____ Policy or Group No. _____

Type of insurance: _____ Medical _____ Dental _____ Optical

Deductible: Per individual _____ Per family _____

Persons covered: _____ Self _____ Spouse _____ Dependents

Type of Policy: _____ HMO _____ PPO _____ Full Indemnity

Provided by: _____ Employer _____ Private Policy _____ Other Group

Monthly Costs:: _____ Paid by employer _____ Paid by employee

\$ _____ For dependents per month

\$ _____ For myself per month

The foregoing Asset Disclosure Statement has been carefully read by the undersigned who states under oath, under penalties as provided by law pursuant to 735 ILCS 5/1-109, that he/she has knowledge of the matters stated and that the statements set forth in this Affidavit are true and correct, except as to matters specifically stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he/she believes same to be true.

Signature of Party

_____Petitioner _____Respondent

Type or Print Name

Signed and sworn to before me

Notary Public

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE [] MARRIAGE [] CUSTODY
[] SUPPORT OF:

ROBERTA NOE,
PETITIONER

AND

JAMES NOE,
RESPONDENT

NO: 03 D 00000

CALENDAR: A

CERTIFICATE AND MOTION FOR DEFAULT

I, the undersigned (attorney for the) Petitioner, CERTIFY that I examined the Clerk's file, docket, and computer record maintained in this matter on 3/15, 2003, and found that there is proof of service of process on the Respondent [x] by personal service [] substitute service on _____, _____ or [] by publication on _____, _____, and mailing the required notice. At least thirty (30) days have elapsed since service of summons or first publication and [] no appearance has been filed or [x] an appearance has been made but no response has been filed and notice of this motion has been served on the Respondent. Where I have indicated [] personal service [] substitute service above, I also CERTIFY that I have given notice to the Respondent of my intention to request a default and to proceed to a default prove-up hearing. I therefore MOVE that the Respondent be held in default, and that this matter be set for prove-up hearing.

I further CERTIFY that I am prepared to present to the Court on the date of hearing the following documents:

1. a copy of the appropriate Petition and evidence that all court fees have been paid;
2. a copy of this Certificate and Motion for Default;
3. a completed affidavit regarding Respondent's military service as required by 50 U.S.C. 520;
4. a proposed Judgment and, where an appearance has been filed, any Marital Settlement Agreement and/or Joint Parenting Agreement previously executed by the parties which may be appended;
5. in case of personal service, an immediate Order for Support and a Notice To Withhold Income For Support; and
6. a completed Application for Child Support Services with the IV-D Agency, where appropriate;

Atty. Code No.: 91139
Name: Chicago Volunteer Legal Services
Atty. For Petitioner: Roberta Noe
Address: 100 N. LaSalle, Suite 900
City/State/Zip: Chicago, IL 60602
Telephone: 312.332.1624

Petitioner/Petitioner's Attorney Date

4219 - Order of Default

8282 - Order Cause Assigned

ORDER OF DEFAULT ASSIGNMENT

IT IS HEREBY ORDERED THAT the Respondent is found in default

[] Petitioner's motion for finding of default is denied.

DATED: _____, _____

ENTER: _____
JUDGE JUDGE'S NO.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE CUSTODY
 SUPPORT OF: ORDER OF PROTECTION
 PARENTAGE OTHER _____

NO: 03 D 00000

ROBERTA NOE,
PETITIONER
AND

CALENDAR: A

JAMES NOE,
RESPONDENT

NOTICE OF MOTION

TO: James Noe
123 N. Lane
Chicago, IL 60653

On 4/15, 2003 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Elizabeth Judge, or any judge sitting in his/her stead, in courtroom number 3203 in Richard J. Daley Center, Chicago, IL or the courthouse located at _____ and present the attached pleading requesting:

Order of Default and Prove-up, instanter.

Atty. Number. 91139
NAME: Chicago Volunteer Legal Services
Attorney for: Roberta Noe
Address: 100 N. LaSalle, #900
City/State/Zip: Chicago, IL 60602
Telephone: 312-332-0000

Attorney Signature: _____

CERTIFICATE AND AFFIDAVIT OF DELIVERY PERSONALLY, BY MAIL, OR BY FACSIMILE

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to 735 ILCS 5/1-109, that the above notice and any attached pleadings were personally delivered or placed in the U.S. Mail at 100 N. LaSalle, Chicago, IL, with first class postage prepaid, and directed to all parties or record at the address(es) set forth above, on or before 5:00 p.m. on 3/15, 2003 OR sent via facsimile (_____ pages sent from the office of: _____, sender's facsimile number is _____ to recipient's facsimile number _____).

(Signature)

Larry Lawyer
(Print Name)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE OF:

ROBERTA NOE,
Petitioner
and

JAMES NOE,
Respondent

No: 08 D 00000

Calendar:

JUDGMENT FOR DISSOLUTION OF MARRIAGE

THIS CAUSE came on to be heard on the *Petition for Dissolution of Marriage* ("*Petition*") filed by Roberta Noe, by her attorney, Larry Lawyer of Chicago Volunteer Legal Services; And it appeared to the Court that the Respondent, James Noe, had notice of the pendency of this suit by personal service on February 23, 2008; that the Respondent has failed to file his *Appearance* or otherwise plead in this matter; and that the Respondent is in default. The Court therefore took the *Petition* as having been confessed by the Respondent.

The Court then heard testimony taken under oath in open Court in support of said *Petition*, a transcript of which has been ordered filed within 28 days. And the Court being fully advised in the premises:

FINDS THAT:

1. At the commencement of this action, the Petitioner resided in the County of Cook, State of Illinois and has so resided for at least ninety (90) days prior to the findings herein.
2. This Court has jurisdiction of the parties hereto and the subject matter hereof.

3. The Parties were lawfully married on February 14, 2000. The marriage took place and was registered in the City of Chicago, Cook County, IL. Thereafter the parties resided together until on or about December 1, 2007.

4. One child was born to the parties prior to this marriage, but is acknowledged by Respondent to be his offspring, namely; William Noe, born June 12, 1999, age 10. One child was born to the parties during this marriage, namely; Lily Noe, born April 15, 2002, age 7. No additional children were born to, or adopted by, the parties and the Petitioner is not currently pregnant. The home state of the minor children is the State of Illinois.

5. The Petitioner is a fit and proper person to be awarded the sole custody of both minor children and, considering the surroundings, circumstances, and adjustment to home, school, and community of each child and the financial circumstances, character, fitness, and the mental and physical health of both parents, such an award is in the children's best interests. Respondent is a fit and proper person for reasonable visitation.

6. a. The Petitioner is 27 years of age. She is currently unemployed and receiving unemployment compensation in the amount of \$1400 per month. She resides at 456 Street, Chicago, IL.

b. The Respondent is 37 years of age. He is employed as a maintenance worker for ABC Corporation. He earns approximately \$2000 per month net. He resides at 123 Lane, Chicago, IL.

7. Petitioner, by competent evidence, has established that the parties are separated and have lived separate and apart for a continuous period in excess of two years, specifically since December 1, 2007. Irreconcilable differences have caused the irretrievable breakdown of

the marriage. The parties' efforts at reconciliation have failed and future attempts at reconciliation would be impracticable and not in the best interests of the family.

8. The marital property has been previously and satisfactorily divided between the parties.

9. Both parties are in possession of their own non-marital property.

10. The parties have no marital debts.

11. The Respondent is able-bodied and employed and capable of self support.

12. The Petitioner is without reasonable means to support herself and the minor children without the assistance of the Respondent. The Respondent is able-bodied and employed and capable of contributing to the support of the Petitioner and the minor children.

THEREFORE, by virtue of the Statutes of the State of Illinois, and on motion of the Petitioner, it is the Judgment of the Court, and

IT IS HEREBY ORDERED THAT:

A. The bonds of matrimony heretofore existing between the Petitioner, Roberta Noe, and the Respondent, James Noe, be dissolved and the marriage is accordingly dissolved as to both parties.

B. Petitioner is awarded the permanent sole care, custody, control and education of William Noe and Lily Noe.

C. The Respondent is awarded reasonable visitation with the minor children based on the following schedule:

D. Respondent shall pay to Petitioner, as and for the support of the minor children, the sum of \$560 per month, which is based on 28% of his net income of \$2000 per month. Said sum shall be withheld from Respondent's pay and paid to Petitioner through the IL State

Disbursement Unit. Support shall continue until June 15, 2020, the youngest child's expected graduation date from high school. A separate Uniform Order of Support shall be entered pursuant to the terms stated herein and is incorporated herein.

E. Respondent shall obtain and/or maintain a medical insurance policy for the benefit of both minor children, if available as a benefit through his employment. This obligation shall continue for a child until that child turns 18 or graduates from high school, whichever shall occur later. However, if a child shall attend a post-high school educational institution, then until that child graduates from the institution, but in no event beyond that child's 23rd birthday.

F. The parties shall share equally any and all medical expenses which are not covered by medical insurance provided by Respondent.

G. Both parties shall obtain and/or maintain a life insurance policy on the party's own life naming the minor children as irrevocable beneficiaries for an amount not less than \$50,000. This obligation shall continue for a child until that child turns 18 or graduates from high school, whichever shall occur later. However, if a child shall attend a post-high school educational institution, then until that child graduates from the institution, but in no event beyond that child's 23rd birthday.

H. Each party shall contribute to the college expenses of each minor child according to section 513 of the Illinois Marriage and Dissolution of Marriage Act.

I. Maintenance is reserved as to Petitioner as she is currently unemployed and receiving unemployment compensation. Maintenance is barred as to Respondent.

J. Each party is awarded as their sole and exclusive property, free of homestead, dower or any other right of the other party, the marital property in their respective possessions.

K. Each party is in possession of their own non-marital property.

L. Each party is solely responsible for paying all debts incurred in his or her own name, and shall hold harmless, and indemnify the other party thereon.

M. Petitioner may resume the use of her former surname, ROE, at her option.

N. This Court shall retain jurisdiction of this matter until the terms of this Judgment for Dissolution of Marriage have, in all respects, met full compliance.

ENTER:

J U D G E

Larry Lawyer
Chicago Volunteer Legal Services
Attorney for: Roberta Noe
100 N. LaSalle, Suite 900
Chicago, IL 60602
312.332.0000
Atty No: 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

In Re the Marriage of:

Petitioner
and
Respondent

No:
Calendar:

JUDGMENT OF DISSOLUTION OF MARRIAGE

THIS CAUSE coming to be heard on the Petition for Dissolution of Marriage (hereinafter referred to as the "Petition") filed by _____, by his/her attorney, _____ of Chicago Volunteer Legal Services Foundation; and it appearing to the Court that the Respondent, _____, has had notice of the pendency of this suit by publication and has failed to plead in this matter, is in default, and the Petition is hereby taken as confessed by him/her. And the Court having heard testimony taken under oath in open Court in support of said Petition, a transcript of which has been order filed within 28 days, and the Court being fully advised in the premises:

FINDS THAT:

1. At the Commencement of the within action, the Petitioner resided in the County of Cook, State of Illinois and has so resided for at least ninety (90) days prior to the findings herein.
2. This Court has jurisdiction of the Petitioner hereto, and the subject matter hereof.
3. The Parties were lawfully married at _____ on _____ and said Certificate was registered in _____ County, IL. Thereafter the parties resided together until _____.
4. No children were born to or adopted by the parties during their marriage and your Petitioner is not currently pregnant ...To the best of Petitioner's knowledge, the Respondent is not currently pregnant.

**Or

In a publication divorce, most judges will award the Petitioner sole custody of minor children of the marriage if the children reside with the Petitioner and have resided in Illinois for more than 6 months prior to the entry of the Judgment. If the children do not reside with the Petitioner, you must reserve custody.

4. ___ children were born to the parties during this marriage, namely: names and birthdates; No additional children were born to the parties and the Petitioner/Respondent is not currently pregnant.

If Petitioner wants custody of children in his/her possession

5. The minor children are residing with the Petitioner. The Petitioner is a fit and proper person to be awarded their sole custody, and such an award is in the children's best interests.

6. a) The Petitioner is ___ years of age; his occupation is _____ currently unemployed; and he resides at _____, Chicago, IL.

b) The Respondent is ___ years of age; her occupation is _____; and she resides at _____, Chicago, IL.

7. GROUND, CHOOSE ONE AS APPLICABLE

(a) Petitioner, by competent evidence, has established that the Respondent absented herself from the marital home and deserted the Petitioner for a period of not less than one (1) year, commencing on or about _____. These acts occurred without fault or provocation on the part of the Petitioner.

(b) Petitioner, by competent evidence, has established that the Respondent has been guilty of extreme and repeated mental cruelty towards the Petitioner. Petitioner did nothing to cause or provoke these acts.

(c) Petitioner, by competent evidence, has established that the parties are separated and have lived separate and apart for a continuous period in excess of two years. Irreconcilable differences have caused the irretrievable breakdown of the marriage. The parties' efforts at reconciliation have failed and future attempts at reconciliation would be impracticable and not in the best interests of the family.

Therefore, by virtue of the Statute of the State of Illinois, and on motion of the Petitioner by his attorney, it is the Judgment of the Court, and

IT IS HEREBY ORDERED:

A. That the bonds of matrimony heretofore existing between the Petitioner, _____, and the Respondent, _____, be dissolved and the marriage is accordingly dissolved as to both parties.

If you are awarded custody:

B. The Petitioner is awarded the sole care, custody, control and education of the minor children of the parties.

If not

C. The issue of custody of the minor children is reserved until such time as the court acquires subject matter jurisdiction over custody.

Add reservation of child support if there are children.

D. That the issue of child support is reserved until such time as this court acquires personal jurisdiction over the Respondent.

E. That all financial issues of the marriage, including maintenance and the division of property and debt are hereby reserved to both parties, until such time as this court acquires personal jurisdiction over the Respondent.

F. That the court shall retain jurisdiction of this matter until the terms of this Judgment for Dissolution of Marriage have, in all respects, met full compliance.

ENTER:

JUDGE

Chicago Volunteer Legal Services
100 N. LaSalle
Suite 900
Chicago, IL 60602
332-1624
Attorney No. 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

UNIFORM ORDER FOR SUPPORT

- Initial Order
- Modification

ROBERTA NOE,
Petitioner/Plaintiff

and

JAMES NOE
Respondent/Defendant

Court Case No. 08 D 00000

Illinois Department of Public Aid is, or has been granted leave to intervene.

IDPA No. _____

Definitions:

- Obligor* – An individual who owes a duty to make support payments pursuant to an order for support.
- Obligee* – An individual to whom a duty of support is owed or the individual’s legal representative.
- Payor* – Any payor of income to an obligor.
- Unallocated Support* – A total amount for maintenance and child support and not a specific amount for either.

The Court finds:

- a) The net income of the obligor as of the date of this order is \$ 2,000 Per month.
- b) The amount of arrearage as of the date of this order is \$ _____ for child support and \$ _____ for maintenance or unallocated support.
- c) The amount of child support cannot be expressed exclusively as a dollar amount because all or a portion of the obligor’s income is uncertain as to source, time of payment, or amount.

It is ordered that _____ Obligor, is to provide:

MAINTENANCE OR UNALLOCATED SUPPORT

Payment Amount:

Current Maintenance or Unallocated Support Payment: \$ _____

Arrearage Payment: \$ _____

Payments Begin: _____ (date)

Payment Frequency:

- [] every week
- [] every other week
- [] monthly
- [] twice each month on _____ & _____ (date)
- [] every year
- [] other _____

CHILD SUPPORT

(Do not complete this section if Unallocated Support is ordered.)

Payment Amount:

Current Child Support Payment: \$ 560.00

Arrearage Payment: \$ _____

Payments Begin: 4/15/03 (date)

Payment Frequency:

- [] every week
- [] every other week
- [X] monthly
- [] twice each month on _____ & _____ (date)
- [] every year
- [] other _____

Case No. 08 D 00000

PERCENTAGE AMOUNT OF CHILD SUPPORT (Complete this section only if finding (c) is checked above.)

In addition to the specific dollar amount of support ordered above, current child support shall be paid in the amount of _____ % of obligor's _____ payable _____. The obligor is further ordered to provide income records sufficient to determine and enforce the percentage amount of child support *within 7 days* of receipt on income subject to this percentage assessment, the obligee and Clerk of the Court

PAYMENT ARRANGEMENTS

C (*Payments must be sent to the STATE DISBURSEMENT UNIT if this box is checked.*) A Notice to Withhold Income
H shall issue immediately and shall be served on the employer at the address listed in this Order. Payments shall be
E made payable to the State Disbursement Unit and sent to the State Disbursement Unit at
C P.O. Box 5400, Carol Stream, IL 60197-5400. Payments must include CASE NUMBER, COUNTY of the
K Court issuing this Order, and obligor's name and social security number. Any subsequent employer may be served with a Notice to Withhold Income without further order of the Court.

O The parties have entered into a written agreement providing for an alternative arrangement for the payment of
N support that is approved by the Court and attached to this Order, meeting all requirements of, and consistent
L with, applicable law. An income withholding notice is to be prepared and served only if the obligor becomes
Y delinquent in paying the order of support. Payments shall be made in accordance with the written agreement of
O the parties attached hereto. In the event the income withholding notice is served, payments shall be made to the
N State Disbursement Unit as set forth above.

E State law does not require payment to the State Disbursement Unit when there is no notice to withhold, and in
non-Article X cases and the parties have not entered into a written agreement as provided above. Payments shall
be made to _____ and sent to THE CLERK OF THE CIRCUIT
COURT at _____.
Payments must include CASE NUMBER and COUNTY of the Court issuing this Order.

In addition to and separate from amounts to be paid as maintenance or child support, the obligor shall pay a \$36 per year Separate Maintenance and Child Support Collection Fee. This sum shall be paid directly to the Clerk of the Circuit Court of Cook County, Illinois at _____ and *not* to the State Disbursement Unit.

DELINQUENCY

If the obligor becomes delinquent in the payment of support after the entry of this Order For Support, the obligor must pay, in addition to the current support obligation, the sum of (a) \$ 112.00 for child support per the payment frequency ordered above for child support, and (b) \$ _____ for maintenance or unallocated support per the payment frequency ordered above for maintenance or unallocated support, until the delinquency is paid in full. (This additional amount, the total of (a) and (b), shall not be less than 20 percent of the total of the current support amount and the amount to be paid periodically for payment of any arrearage stated in the order for support.) A support obligation, or any portion of a support obligation which becomes due and remains unpaid for 30 days or more, shall accrue interest at the rate of 9% per annum.

Case No. 08 D 00000

TERMINATION

This obligation to pay child support terminates on June - 15 - 2020 unless modified by written order of the Court. (Insert a date no earlier than the date that the youngest child reaches the age of 18 or is expected to graduate from high school, whichever comes later.) *This termination date does not apply to any arrearage that may remain unpaid on that date.* The child/children covered by this order is/are: William Noe; Lily Noe

INSURANCE

The obligor, obligee, obligor and obligee, shall provide health insurance for the child(ren) either by enrolling them in any health insurance coverage available through the obligor's, obligee's, obligor's and obligee's, employment or securing a private health insurance policy, accepted by the obligor and obligee or approved by the Court, which names the child(ren) as beneficiary. Both the obligor and the obligee shall be provided a copy of the insurance policy and the insurance card. The name of the health insurance provider and the number of the insurance policy regarding dependent benefits/coverage on the date of this order are as follows:

| | |
|--|---------------------|
| Name of Health Insurance Provider (s): | Policy No. (s): |
| <u>Universal Medical Insurance</u> | <u>00-0000-0000</u> |
| _____ | _____ |
| _____ | _____ |

IT IS FURTHER ORDERED THAT:

The obligor shall give written notice to the Clerk of the Court, and *if* a party is receiving child and spouse services under Article X of the Illinois Public Aid Code, to the Department of Public Aid, *within 7 days*, of:

- any new residential, mailing address or telephone number;
- the name, address and phone number of any new employer, and;
- the policy name and identifying number(s) of health insurance coverage available.

The obligor shall submit a written report of termination of employment and of new employment, including name and address of the new employer, to the Clerk of the Court and the obligee *within 10 days*. Obligor and obligee shall advise each other of a change of residence *within 5 days* except when the Court finds that the physical, mental or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. An obligee receiving payments through income withholding shall notify the Clerk of the Court and the State Disbursement Unit *within 7 days* of change in residence. The obligor and obligee shall report to the Clerk of the Court any change of information included in the Child Support Data Sheet (Exhibit 1) *within 5 business days* of such a change.

ADDITIONAL CONDITIONS OR FINDINGS

Child Support payment amount deviates from the amount required by statutory minimum guidelines. The amount of support that would have been required under the guidelines is \$ _____
Reasons for deviation: _____

ROBERTA NOECase No. **08 D 00000**

Petitioner/Plaintiff

vs.

JAMES NOE

Respondent/Defendant

CHILD SUPPORT DATA SHEET

DATE _____

| OBLIGOR INFORMATION | | OBLIGEE INFORMATION | |
|---|---------------------|---|---------------------|
| Last Name: <u>Noe</u> | | Last Name: <u>Noe</u> | |
| First Name: <u>James</u> | Middle In: <u>T</u> | First Name: <u>Roberta</u> | Middle In: <u>M</u> |
| Complete <u>Residential</u> Address: <i>123 Lane Chicago, IL 60653</i> | | Complete <u>Residential</u> Address: <i>456 Street Chicago, IL 60653</i> | |
| Complete Mailing Address (If other than above): <i>Same</i> | | Complete Mailing Address (If other than above): <i>Same</i> | |
| Date of Birth: <i>7/15/72</i> | | Date of Birth: <i>3/15/74</i> | |
| Driver's License No.: <i>N000-0000-0000</i> | | Driver's License No.: <i>N000-0000-0001</i> | |
| *Social Security No. <i>000-00-0000</i> | | *Social Security No. <i>001-00-0000</i> | |
| Home Phone Number: <i>312.555.1111</i> | | Home Phone Number: <i>773.555.2222</i> | |
| Employer(s) Name/Company: <i>ABC Corporation</i> | | Employer(s) Name/Company: <i>Unemployed</i> | |
| Employer(s) Address: <i>789 Avenue Chicago, IL 60601</i> | | Employer(s) Address: | |
| Employer(s) ID Number: | | Employer(s) ID Number: | |
| Work Phone Number <i>312 555.0000</i> | | Work Phone Number () | |

CHILD/CHILDREN INFORMATION

| | LAST | FIRST | MIDDLE INITIAL | DATE OF BIRTH | SOCIAL SECURITY NUMBER |
|----|------------|----------------|-------------------|-------------------|---------------------------|
| 1. | <i>Noe</i> | <i>William</i> | | <i>06/12/2000</i> | <i>002-00-0000</i> |
| 2. | <i>Noe</i> | <i>Lily</i> | | <i>4/15/2002</i> | <i>003-00-0000</i> |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |

(If more space is needed, attach an additional sheet.)

*If obligor is not US citizen, so indicate and provide the obligor's alien registration number, passport number and home country's social security or national health number.

PLEASE PRINT FULL INFORMATION
REPORTER WILL NOTIFY YOU WHEN TRANSCRIPT IS READY
TO BE DELIVERED, PICKED UP, OR MAILED

DATE OF HEARING 4/15/03 JUDGE Elizabeth Judge

INDIVIDUAL LAWYER'S NAME Larry Lawyer TEL. NO. 312-332-0000

FIRM'S NAME Chicago Volunteer Legal Services Foundation

ADDRESS 100 N. LaSalle, Chicago, IL 60602 SUITE # 900

TITLE OF CASE Roberta Noe
(first) (last)
vs.
James Noe
(first) (last)

CASE NUMBER 03 D 0000

PLAINTIFF'S ADDRESS 456 Street, Chicago, IL

DATE AND PLACE OF MARRIAGE 2/14/95 - Chicago, IL

CHARGE (Dates if cruelty) Irreconcilable Differences

IF MENTAL CRUELTY, NAME OF DOCTOR *No longer necessary

SERVICE WAS MADE BY personal service

DATE OF SEPARATION 12/1/07

NAMES AND AGES OF CHILDREN William Noe, age 9

Lily Noe, age 7

NAME OF WITNESS no longer necessary ADDRESS _____

FORMER NAME, IF REQUESTED ROE

PRO SE APPEARANCE BY RESPONDENT? YES _____ NO x

ALL TRANSCRIPTS WILL BE. C. O. D.

ATTORNEY FOR DEFENDANT

ADDRESS _____ TEL. NO. _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

In Re the Marriage of:

ROBERTA NOE,
Petitioner

and

JAMES NOE,
Respondent

No: 03 D 00000

Calendar:

ORDER FOR FREE TRANSCRIPT

On Motion of the Petitioner by her attorneys, Chicago Volunteer Legal Services; it appearing that a transcript of the testimony herein is required to be presented to the Court; and it further appearing that the Petitioner is unable to pay the costs of said transcript.

IT IS HEREBY ORDERED:

That the Clerk of the Court shall furnish to the Petitioner a transcript of the testimony herein without cost to said Petitioner.

ENTER:

J U D G E

Larry Lawyer
Chicago Volunteer Legal Services
Attorneys for Petitioner
100 N. LaSalle, Ste. 900
Chicago, IL 60602
332-0000
Attorney # 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

In Re the Marriage of:

ROBERTA NOE,
Petitioner
and

JAMES NOE,
Respondent

No: 03 D 00000

Calendar:

ORDER ON PROVE - UP

This Cause coming to be heard on the PETITION FOR DISSOLUTION OF MARRIAGE and, the Court having been fully advised in the premises.

IT IS HEREBY ORDERED:

That the Petitioner shall, within 28 days from the date hereof, submit for Court approval the following:

1. TRANSCRIPT OF PROCEEDINGS, CERTIFIED BY THE Court Reporter and the Attorney for the Petitioner.

Paragraph #'s 2 and 3 will usually be x'd out if Judgment entered instanter.

2. A proposed JUDGMENT FOR DISSOLUTION.

3. The following as are applicable in this case:

- A. SETTLEMENT AGREEMENT
- B. JOINT PARENTING AGREEMENT
- C. ORDER FOR SUPPORT
- D. QUALIFIED DOMESTIC RELATIONS ORDER
- E. NOTICE OF MOTION to Respondent with copies of the proposed Judgment and other documents, or the Respondent approving the Judgment on its face.
- F. WAIVER OF CONTRIBUTING HEARING
- G. DATE FOR PRESENTATION JUDGMENT _____,
199____, at _____.
- H. DATE FOR TRANSCRIPT OF PROCEEDINGS _____,
199____, at _____.
- I. TRANSCRIPT WAIVED.

ENTER:

Larry Lawyer
Chicago Volunteer Legal Services
Attorney for Petitioner
100 N. LaSalle, #900
Chicago, IL 60602
332-0000
Attorney Code #91139

J U D G E

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT – DOMESTIC RELATIONS DIVISION**

NOTICE TO WITHHOLD INCOME FOR SUPPORT

IN RE THE **MARRIAGE** **CUSTODY**
 SUPPORT OF:

ROBERTA NOE,
PETITIONER

AND

JAMES NOE
RESPONDENT

CASE NO: 08 D 00000

TO: PAYOR / EMPLOYER:

Name / Company ABC Corporation
Address 789 Avenue
City Chicago **County** Cook
State IL **Zip** 60601
Telephone
(312) 555-0000

Employee / Obligor's Name (Last, First, Middle) Noe, James T.
Date of Birth 7/15/72 **Social Security No.** 000-00-0000
Residential Address 123 Lane
City Chicago **County** Cook **State** IL **Zip** 60653
Mailing Address (if different) _____
Home Telephone 312.555.1111 **Work Telephone** 312.555.0000
Employee Identification No. _____

Custodial Parent / Obligee's Name (Last, First, Middle) Noe, Roberta M.
Date of Birth 3/15/74 **Social Security No.** 001-00-0000
Residential Address 456 Street
City Chicago **County** Cook **State** IL **Zip** 60653
Mailing Address (if different) _____
Home Telephone 773.555.2222 **Work Telephone** ()
Driver's License No. (Illinois) _____ **Driver's License No. (other state)** _____

Child(ren) covered by Order For Support:

| Name (s) (Last, First, Middle) | Sex | Date of Birth | Social Security No. |
|--------------------------------|-----|---------------|---------------------|
| Noe, William | M | 6/12/93 | 002-00-0000 |
| Noe, Lily | F | 4/15/95 | 003-00-0000 |
| | | | |
| | | | |
| | | | |

ADDITIONAL INFORMATION TO EMPLOYERS/PAYORS AND OBLIGORS

[x] If checked, you are required to provide a copy of this form to your employee.

TO THE PAYOR/EMPLOYER

- 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 NOTICE have priority. If there are Federal tax levies in effect, please contact the requesting attorney or obligee listed below.
- Combining Payments:** You can combine withheld amounts from more than one employee's/obligor's income in a single payment if it is sent to the authorized payee, State Disbursement Unit. You must, however, separately identify the portion of the single payment that is attributable to each employee/obligor.
- 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 in which the income is deposited directly in his/her account.
- 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 the State's allocation law, you must honor all NOTICE's current support withholdings before you withhold for any arrearages, to the greatest extent possible under the withholding limit.
- Termination Notification:** You must promptly notify the payee when the employee/obligor is no longer working for you. Please provide the information requested and return a copy of this NOTICE to the payee:
EMPLOYEE'S/OBLIGOR'S NAME: _____
EMPLOYEE'S/OBLIGOR'S CASE NUMBER: _____
EMPLOYEE'S/OBLIGOR'S LAST DATE OF EMPLOYMENT: _____
EMPLOYEE'S LAST KNOWN HOME ADDRESS: _____
NEW EMPLOYER'S ADDRESS: _____
- 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's/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 7 day grace period. See Illinois Statutes 305 ILCS 5/10-16.2, 750 ILCS 5/706.1, 750 ILCS 15/4.1 or 750 ILCS 45/20.
- 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 child support withholding.
- Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the federal Consumer Credit Protection Act (CCPA) (15 U.S.C. sec. 1673(b)); or 2) the amounts allowed by the State of the employee's/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 a second family; and/or 2) 5% if arrears are more than 12 weeks old (see appropriate box on front)

TO THE OBLIGOR

- Contesting withholding:** An Obligor may contest withholding commenced by this NOTICE only by filing a petition to contest withholding with the Clerk of the Circuit Court within 20 days after service of a copy of the income withholding notice on the obligor. The grounds for the petition shall be limited. See Illinois Statutes 305 ILCS 5/10-16.2 and 750 ILCS 5/706.1.
- Modify, Suspend, Terminate or Correct withholding:** An obligor may petition the court, at any time, to modify, suspend, terminate or correct a withholding notice. See Illinois Statutes 305 ILCS 5/10-16.2 and 750 ILCS 5/706.1.
- Change of Address:** The obligor must notify the obligee, the public office, and the Clerk of the Circuit Court of any change of address within 7 days.
- Change of Employer:** The obligor whose income is being withheld, or who has been served with a notice of delinquency, must notify the obligee, the public office, and the Clerk of the Circuit Court of any new employer, within 7 days.
- Anti-discrimination:** An Obligor may not be discharged, disciplined, denied employment or otherwise penalized by a Payor because of the Payor's duty to withhold income.
- Additional rights, remedies and duties:** For the obligor's additional rights, remedies and duties, if the principal place of employment is Illinois, see Illinois Statutes 305 ILCS 5/10-16.2, 750 ILCS 5/706.1, 750 ILCS 15/4.1 and 750 ILCS 45/20.

Requesting Attorney: Larry Lawyer or Obligee: _____
Address: Chicago Volunteer Legal Services Address: _____
100 N. LaSalle, Suite 900 _____
Chicago, IL 60602 _____
Phone: 312.332.0000 Phone: _____
FAX: 312.332.0000 FAX: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE CUSTODY
 SUPPORT OF:

ROBERTA NOE,
PETITIONER
AND

JAMES NOE,
RESPONDENT

NO: 03 D 00000

CALENDAR:

CERTIFICATE AND AFFIDAVIT OF DELIVERY (PERSONALLY OR BY MAIL)

James Noe (Regular Mail)
123 Lane
Chicago, IL 60653

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to Ill.Rev.Stat.Ch.110, par. 1-109, that the attached NOTICE TO WITHHOLD INCOME FOR SUPPORT was personally delivered or placed in the U.S. Mail at 100 N. LaSalle, Chicago, IL, with first class postage prepaid, and directed to the parties at the addresses set forth above (at) (before) 5 p m. on 4/16, 2003.

Larry Lawyer

NAME: Larry Lawyer/Chicago Volunteer Legal Services
Attorney for: Roberta Noe
Address: 100 N. LaSalle, #900
City, State, ZIP Chicago, IL 60602
Telephone: 312-332-0000
Attorney Code Number. 91139

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, DOMESTIC RELATIONS DIVISION

IN RE THE MARRIAGE CUSTODY
 SUPPORT OF:

ROBERTA NOE,
PETITIONER
AND

JAMES NOE,
RESPONDENT

NO: 03 D 00000

CALENDAR:

CERTIFICATE AND AFFIDAVIT OF DELIVERY (PERSONALLY OR BY MAIL)

ABC Corporation (Certified Mail)
Payroll Department
789 Avenue
Chicago, IL 60601

The undersigned hereby certifies under penalties of perjury as provided by law pursuant to Ill.Rev.Stat.Ch.110, par. 1-109, that the attached NOTICE TO WITHHOLD INCOME FOR SUPPORT was personally delivered or placed in the U.S. Mail at 100 N. LaSalle, Chicago, IL, certified mail with first class postage prepaid, and directed to the parties at the addresses set forth above (at) (before) 5 p. m. on 4/16, 2003.

Larry Lawyer

NAME: Larry Lawyer/Chicago Volunteer Legal Services
Attorney for: Roberta Noe
Address: 100 N. LaSalle, #900
City, State, ZIP Chicago, IL 60602
Telephone: 312-332-0000
Attorney Code Number. 91139

April 16, 2003

ABC Corporation
Payroll Department
789 Avenue
Chicago, IL 60601

Dear Sir or Madam:

Enclosed please find a NOTICE TO WITHHOLD INCOME FOR SUPPORT for your employee:

James Noe
Social Security No. 000-00-0000

This Notice is issued pursuant to an Order for Support entered by the Honorable Elizabeth Judge of the Circuit Court of Cook County, IL on April 15 15, 2003. The Notice requires you to deduct from Mr. Noe's paycheck the amount of:

\$ 280.00 per month for current child support.

This amount may be set at pay periods that do not conform to your pay schedule. If this is the case, please see the table in the Notice which provides amounts for varying pay schedules.

You must remit these child support payments to:

State Disbursement Unit
P.O. BOX 5400
CAROL STREAM, IL 60197-5400

You must include the case number (**03 D 0000**), the county wherein the Support Order was entered (**Cook**), and the date of the paycheck from which you withheld on the check or money order. Please see the instructions on the front and reverse sides of the Notice for necessary additional information.

If you have any questions or problems with this order, please contact me at (312) - 332-0000.

Very truly yours,

Larry Lawyer

enc.

cc: Roberta Noe
James Noe

PROVE-UP DAY: SUMMARY INSTRUCTIONS

1. Go to clerk and **check in**:
most clerks will ask for the Certificate and Motion for Default and all original orders (Judgment, 28-day Order, Order for Free Transcript, Order for Support, etc.); others want the Petition, others want nothing;
2. When your case is called, state the case (“Noe”) and walk up to the bench;
3. As you approach the bench, hand the **court reporter the court reporter information sheet**;
4. **Introduce yourself**, the case number and case name;
5. **Tell the judge**: personal (or publication) service; default case (or by agreement); what the grounds are; and how many children there are of the marriage;
6. Although again most will, if the clerk has not asked for originals of all orders, tender all proposed Orders, including the Judgment, to the Judge now;
7. If you are the Petitioner, your witness (client) will be **sworn in**, and then **proceed**. Ask all **leading questions** (see Questions for Prove-up for sample questions);
8. When you are finished questioning your witness, tell the judge there **are no more questions** (Judge may ask some questions). Ask the Judge for the entry of an **Order for Free Transcript** (if you have a CLSP) and for the **Judgment to be entered instanter**;
9. Judge will recite **findings** and **grant the divorce**; you may have to remind him/her to enter the Order for Free Transcript. Lately, some Judges are not granting Judgment instanter. In that case you must revise your 28 Day Order, and submit the Judgment when you submit the transcript;
10. When the Judge is finished, thank the Court and **go to the clerk**;
11. Give **copies** of all Orders to be entered to the clerk. The clerk will stamp and return;
12. If you were granted a free transcript, give a copy of **your Order for Free Transcript to the court reporter** (If another prove-up is going on, still approach, and hand the Order to the court reporter).

SAMPLE PROVE-UP AND QUESTIONS

These sample questions may not be relevant, or sufficient, for your divorce. Each divorce may involve more, or less, issues than those dealt with here. Use this as a guide to tailor questions for you prove-up.

UNCONTESTED PROVE-UPS

Good morning, your Honor. For the record, my name is _____, from Chicago Volunteer Legal Services on behalf of Petitioner. This matter is In Re the Marriage of _____, Case No. _____.

The Respondent was served on ___date___ by personal/publication service. S/He has failed to file an Appearance or a Response. (If personal service) We have mailed notice to the Respondent for today's prove-up date (Tender your Notice of Motion). There are _____ minor children of this marriage. Grounds are:_____. This is a default case.

I have tendered/am tendering to the Court a Proposed Judgment, an Order for Support (if support to be awarded) an Affidavit of Military Service (if not already in file), a 28 Day Order, and an Order for Free Transcript.

[WITNESS SWORN IN: Questions to be asked]

Is your name _____ and do you live at _____, Chicago, IL ?

Are you _____ years of age?

Are you employed as _____ (OR: are you unemployed and currently receiving public aid/unemployment comp/social security disability, etc.?)

Are you married to _____?

Is he _____ years of age

Does he reside at _____ (OR: you do not know where you husband resides or where he is employed, is that correct)?

Is he employed as a _____ (OR: you do not know the status of his employment, is that correct?)

Were you a resident of the State of Illinois at the time this action was commenced and have you maintained this residence for more than ninety days prior to today's hearing?

Were you married on _____ date _____ and was this marriage registered in County, State _____?

Were any children born to you and your husband during/prior to this marriage?

Are they _____, age ____ who was born on _____ date _____, etc.

Did you adopt any children during your marriage?

Are you currently pregnant? [The answer should be no!]

CUSTODY/VISITATION (if children)

Are the child/ren currently residing with you and have they resided with you exclusively since _____ date _____?

Are you a fit and proper person to be awarded the sole custody of these minor children?

Do you believe it is in their best interests for you to be awarded their sole custody?

Is the Respondent a fit and proper person to be awarded reasonable visitation with the minor children? (if you do not already have one, be prepared to get a visitation schedule from the Judge).

Alternatively:

- You can ask nothing about visitation and leave your Judgment silent: technically, Respondent has reasonable visitation with no schedule;
- You can ask nothing about visitation and ask in your relief that visitation be reserved until such time as Respondent petitions this court to adjudicate the issue;
- You can seek to restrict Respondent's visitation if Petitioner states that Respondent is not a fit and proper person for reasonable visitation. You must follow up with questions to show how the Respondent's conduct will seriously endanger the child's physical, mental, moral or emotional health)

CHILD SUPPORT/MAINTENANCE

Are you currently earning approximately \$_____ per month net?

Do you believe that the Respondent is earning approximately \$_____ per month net?

Do you lack sufficient income and property to support your children without the Respondent's assistance?

Are both you and the Respondent able-bodied and employed/employable and capable of

self-support?

GROUNDNS

Mental Cruelty

During your marriage were you a kind, loving and affectionate wife?

Has your spouse been guilty of extreme and repeated acts of mental cruelty towards you?

Did your spouse belittle you, tell you he did not love you or want to be married to you? Did he start fights with you for no reason? Did he stay out for long periods and refuse to account for his whereabouts?

Did you do anything to cause or provoke him to act in the manner?

Did these actions cause you to be upset, nervous, have trouble sleeping? (if she has specifics, include them)

Because of his conduct, have you lived separate and apart since

Have you felt better since you separated from him?

OR

Irreconcilable Differences

Did you and your spouse separate on date ?

Have you and your spouse been separated and have you lived separate and apart for a continuous period in excess of [two years, unless the parties will both sign an affidavit and stipulation waiving the 2-year period, in which case an allegation of six months will suffice].

Have irreconcilable differences caused the irretrievable breakdown of your marriage?

Have your efforts at reconciliation failed?

Do you believe future attempts at reconciliation would be impracticable and not in the best interests of the family?

[DON'T USE BOTH GROUNDNS!]

PROPERTY

Have you and your spouse split all your marital and non-marital property to your satisfaction (ie do you have what you want/need/own, does he have what he wants/needs/owns?)

RELIEF

- A. Are you asking this Court to grant you a Judgment of Dissolution of Marriage from your spouse?
- B. Are you asking that you be awarded the sole custody of the minor children?
- C. That the Respondent pay you child support in the amount of \$_____ which is __% of his net monthly income of \$_____?
- D. That the Respondent obtain/maintain a medical insurance policy for the benefit of the children?
- E. That the Respondent obtain life insurance if available through his/her employment?
- F. That each party be awarded the marital property in his or her possession
- G. That each party be awarded their non-marital property in his and her possession?
- H. Are you asking that each party be barred from receiving maintenance from the other?
Do you understand that maintenance is what we used to call alimony? And that if the Judge bars you and your spouse from maintenance, you cannot come back to this court or any other court at any time in the future and ask for support for yourself from your spouse?
- I. Are you asking that each of you be solely responsible for your debts incurred since the date of separation and that you hold the other harmless thereon?

OPTIONAL

- J. Are you asking to be granted leave to resume your maiden name of _____ ?

Your honor, we are asking that the Judgment for Dissolution be entered instanter. We are also asking that an Order for Free Transcript be entered as this is a fee waiver case and my client's financial condition is the same as when she filed.