



## LEGAL SOLUTIONS

### DIY Divorce-10 Things You Should Know

YES! You can represent yourself in court in a dissolution of marriage proceeding

1. YOU CAN REPRESENT YOURSELF IN COURT
  - a. Some parties are eligible for a “joint simplified dissolution” procedure  
<http://www.cic.co.kane.il.us/eForms/P1-JS-005-E.pdf>
  - b. Even those not eligible for a simplified procedure have the right to file a petition on their own behalf
  
2. YOU MUST SATISFY REQUIREMENTS OF THE COURT
  - a. It is your responsibility to understand the law with respect to your situation.
  - b. You must file an appearance on your own behalf  
<https://courts.illinois.gov/Forms/approved/procedures/appearance.asp>
  - c. You will be required to use e-filing
  - d. You must file a petition (petitioner) or answer (respondent)
    - i. [https://courts.illinois.gov/Forms/approved/divorce/Divorce\\_with\\_Children\\_Petition.pdf](https://courts.illinois.gov/Forms/approved/divorce/Divorce_with_Children_Petition.pdf)
  - e. You must prepare a Judgment for Dissolution of Marriage
    - i. [https://courts.illinois.gov/Forms/approved/divorce/Divorce\\_with\\_Children\\_Judgment\\_With\\_Children.pdf](https://courts.illinois.gov/Forms/approved/divorce/Divorce_with_Children_Judgment_With_Children.pdf)
  - f. You must prepare an Allocation of Parental Responsibilities and Parenting Time Judgment
  - g. You must prepare an Order for Support regarding support of minor children
    - i. [https://courts.illinois.gov/Forms/approved/divorce/Divorce\\_with\\_Children\\_Order.pdf](https://courts.illinois.gov/Forms/approved/divorce/Divorce_with_Children_Order.pdf)
  - h. You must prepare a Certificate of Dissolution (Kane County provided here)
    - i. <http://cic.countyofkane.org/eForms/VR-700.pdf>



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### 3. JUDICIAL APPROVAL WILL BE REQUIRED

Part of the Judge's responsibility is to ensure that issues are adequately addressed in your written agreements

- a. Jurisdiction
  - i. Parties
  - ii. Marriage
- b. Grounds
  - i. Irreconcilable differences have caused the irretrievable breakdown of the marriage and efforts at reconciliation have failed or future attempts at reconciliation would be impracticable and not in the best interests of the family.
- c. Children of the Marriage (Born, Unborn and/or Adopted)
  - i. Minor children (birth to 18 years)
  - ii. Adult Children (over 18 years)
    1. Disabled
      - a. Support may be an issue
    2. In school
      - a. Post high school educational expenses
- d. Agreements regarding parental responsibilities and parenting time must be thorough and in the child(ren)'s best interests
- e. Parties must provide one another disclosure of all of their assets, income, debts and liabilities. A statewide financial affidavit is used to do so and is required by statute and local court rule.

[http://www.illinoiscourts.gov/forms/approved/divorce/financial\\_affidavit.asp](http://www.illinoiscourts.gov/forms/approved/divorce/financial_affidavit.asp)

- f. Financial agreements must be fair and equitable and not unconscionable
- g. Agreements must be freely and voluntarily entered into



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#### 4. RESPONSIBILITIES FOR CHILDREN MUST BE THOROUGHLY ADDRESSED

##### a. Allocation of Parental Responsibilities and Parenting Time:

##### i. Parenting Plan

[https://courts.illinois.gov/Forms/approved/divorce/Divorce\\_with\\_Children\\_Parenting\\_Plan.pdf](https://courts.illinois.gov/Forms/approved/divorce/Divorce_with_Children_Parenting_Plan.pdf)

1. Rights and Responsibilities of Both Parents
2. Responsibilities for Significant Decision Making
3. Parenting Time
  - a. Regular parenting time
  - b. Holiday parenting time
  - c. School breaks
4. Transportation of children
5. Exchange of Children
6. Right of First Refusal
7. Communication
8. Relocation
9. Designation of Custodian
10. Changing the Parenting Plan
11. Resolving Disagreements (mediation)

#### 5. PROPERTY ISSUES MUST BE FULLY ADDRESSED

##### a. Assets

- i. Real Estate
- ii. Personal Property
- iii. Retirement/Pension accounts
- iv. Stocks
- v. Any other type of asset (e.g. vehicles, valuables, personal property)

##### b. Debts

- i. Loans
- ii. Credit cards
- iii. Any other type of debt or other financial obligations



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### 6. SUPPORT ISSUES MUST BE THOROUGHLY ADDRESSED

- a. Maintenance (spousal support, previously called alimony)
  - i. There are often misconceptions about entitlement to maintenance
  - ii. In Illinois there is a specific law regarding maintenance and a formula based upon the duration of the marriage and the respective incomes of the parties
  - iii. Self-represented parties must know what the statutory requirements are and, if deviating from the statutory formula, provide a basis for doing so that will be acceptable to the court and get court approval to deviate.
- b. Financial Support for Minor Children
  - i. Child Support-IL is an “income shares” state and utilizes the income of both parties in order to determine support.
  - ii. In Addition to Basic Child Support
    1. Health Insurance and out of pocket medical, dental and vision expenses
    2. Expenses related to Educational and Extra Curricular Activities
  - iii. Post High School Educational Expenses (college)

Illinois Child Support Calculator:

<https://cscwebext.hfs.illinois.gov/CscWebEx/app/estimator?execution=e1s1>

### 7. SELF HELP LEGAL RESOURCES ARE AVAILABLE TO SELF REPRESENTED INDIVIDUALS

- a. <https://www.illinoislegalaid.org/>
- b. <https://www.kclawlibrary.org/>
- c. <https://kanecountybar.org/public-services>

### 8. MEDIATION IS A RESOURCE TO HELP RESOLVE DISAGREEMENTS

- a. While a Judge is able to decide outstanding legal disputes between the party, there are additional procedural and evidentiary requirements in order to obtain a date and time for the Judge to hear evidence related to your case. The parties may find mediation to be a useful alternative to having a hearing with the Judge.
- b. Different Types of Mediation
  - i. <https://www.pon.harvard.edu/daily/mediation/types-meditation-choose-type-best-suited-conflict/>

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9. LIMITED SCOPE (A LA CARTE) LEGAL SERVICES ARE OBTAINABLE AS NEEDED

<https://www.illinoislegalaid.org/legal-information/what-limited-scope-representation>

- a. Legal Consultation
- b. Case Analysis
- c. Gather Facts
- d. Research Law
- e. Advise Client
- f. Draft Documents
- g. Document Review
- h. Discovery
- i. Hearing Preparation
- j. Case Management
- k. Negotiation
- l. Court Representation

10. JUDICIAL INTERVENTION

- a. Review of pleadings and any proposed agreements
- b. Approval of agreements
- c. Resolving issues of disagreement between the parties

**Bruckner Hernandez Legal Solutions offers free consultation and limited scope services for people representing themselves.**

**Contact us today!**

DISCLAIMER: This is an article for informational purposes only and does not replace the advice of an attorney regarding specific details of your situation.