

SIMPLE DIVORCE PROCEDURE

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ABOUT THE AUTHORS

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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 steppingstone 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 manual, 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 more quickly, both parties 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 proceeding 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;
 - * Neither party has any interest in real property or retirement benefits, unless they are held exclusively in individual retirement accounts and the combined value of the accounts is less than \$10,000;
 - * The total fair market value of all the marital property, after deducting

- * all encumbrances, does not exceed \$50,000;
- * The combined gross annual income of the parties does not exceed \$60,000 and neither party has a gross annual income in excess of \$30,000;
- * The parties have disclosed to each other all assets, liabilities and tax returns for all years of the marriage;
- * The parties have executed a written agreement dividing all assets in excess of \$100 and allocating debt; and
- * The parties have executed a written agreement allocating ownership of and responsibility for any companion animals owned by the parties.

It is rare to find a divorcing client with a cooperative spouse. It is rarer 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 \$368 (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 may then proceed to the assigned judge's courtroom for the prove-up hearing and entry of the Judgment. (If the call is full or if the parties seek a filing fee waiver, the matter may be prolonged a few days). 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 and on the clerk's website – www.cookcountyclerkofcourt.org .

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 steps. All documents referred to in this guide are appended.

II. PREPARING TO FILE:

A. DOCUMENTS

- * *Divorce Intake Questionnaire*
- * *Petition for Dissolution*
- * *Certificate of Dissolution*
- * *Domestic Relations Cover Sheet*
- * *Affidavit of Military Service*
- * *Summons*

OR if you can't get personal service
Motion for Service by Publication

Affidavit for Service by Publication
Order for Publication and Waiver of Publication Fee
* *Civil Legal Services Provider (CLSP) form-when appropriate*

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*. While the Certificate of Dissolution was once a carbon form, it is now available as a fillable PDF and is appended to this guide.

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 – parental allocation, 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, parental allocation/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. You can only be awarded relief that you have, at least generally, asked for.

Once you have your paperwork prepared, have your client sign the *Petition* and *Military Affidavit*. If your client is within CVLS income guidelines, complete 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. Note that the rules have changed regarding the use of the CLSP. Pursuant to new 735 ILCS 5/5-105.5, if a client qualifies for the legal service provider's guidelines, they are entitled to waive fees. If you cannot use a fee waiver your client has to pay the fees of

\$368.00 for filing, **\$60** for service by the sheriff (**\$235** for publication service) and approximately **\$50** for the transcript. You should have your client send CVLS **\$500** by check or money order (**\$675** if publishing). We will then forward to you a CVLS check(s) for the various fees, as needed.

As of July 2019, 735 ILCS 5/5-105.5 was amended to allow for a partial fee waiver. You will get a partial fee waiver if your income is 200% of the federal poverty levels or less:

Income	Waiver %
125%-150% of FPL	75% of fees waived
150%-175% of FPL	50% of fees waived
175%-200% of FPL	25% of fees waived

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. Please contact CVLS as necessary.

III. FILING

As of July 1, 2018, E-Filing became mandatory in Illinois for all civil cases, including all domestic relations and divorce cases. The Illinois Supreme Court mandated Cook County to Utilize the Statewide Electronic Filing System (eFileIL) for Civil Case Filings in Cook County - Illinois Supreme Court Order M.R. 18368. Except for certain exceptions, clerks at the Daley Center will no longer be able to accept in-person filings.

This section will cover E-Filing briefly, as it pertains to the filing of new divorce cases and subsequent motions. An E-Filing tutorial and guide are available on the CVLS website at <http://cvls.org/resources-efiling>. If you have any questions regarding e-filing, please consult with a CVLS attorney or staff member.

In order to E-File your case, you must first choose an Electronic Filing Service Provider (EFSP). Although there are multiple EFSPs to choose from, CVLS prefers and recommends Odyssey E-File, as it is completely free and easiest to use. You may access Odyssey E-File using the following link: <https://illinois.tylerhost.net/ofswweb>. If this is your first time E-Filing, you must create an account and register. During the registration process, you will be asked for a "law firm number." You may use your own or CVLS' attorney code, which is 91139. In order to waive fees for your client, you will also have to set up a waiver account. Detailed instructions for setting up a waiver account can be found at the following link: <https://tylertech.egain.cloud/kb/ilh5/content/PROD-9580/How-do-you-add-a-waiver-account-H5-9580>

Once your documents are ready to file, head to the Odyssey E-Filing website (<https://illinois.tylerhost.net/ofswab>) and log in. After logging in successfully, your homepage will allow you to “Start a New Case” or “File into Existing Case.” For a new divorce filing, you will click on “Start a New Case.” You will then follow these steps:

1. Case Information

- a. Location: Select “Cook County – Domestic Relations – District 1 – Chicago”
- b. Category: Select “General Proceedings”
- c. Case Type: Select “Petition for Dissolution”
- d. Click on “Save Changes”

2. Case Cross Reference Number

- a. Type your attorney code or CVLS’ attorney code (91139) into the Case Cross Reference Number field
- b. Case Cross Reference Type: Select “Cook County Attorney/Self-Represented Litigant Code”
- c. Click on “+Add Case Cross Reference Number”
- d. Click on “Save Changes”

3. Party Information

- a. The only required fields for this section are “First Name” and “Last Name.” Feel free to complete the other sections, but they are completely optional. You must fill out first and last names for both the Petitioner (presumably your client) and the Respondent (his/her spouse)

4. Filings

- a. In this section, you will file all of your initial documents, including your *Petition for Dissolution* (with a *Domestic Relations Cover Sheet* attached as the first page of *Petition for Dissolution* only), *Summons* or *Affidavit for Service by Publication*, *Military Affidavit*, and *Certificate of Dissolution*. If you can use a Civil Legal Services Provider form, you will upload this document too.
- b. For each filing, take the following steps:
 - i. Under Filing Type, select “EFile”
 - ii. For Filing Code, select the option that most closely matches what you are filing, e.g., for your *Petition for Dissolution*, select “Complaint/Petition – Petition for Dissolution of Marriage.” Note that you may begin typing the first few letters of your filing type, and the field will auto-populate with suggested choices.
 - iii. Filing Description can be left blank unless you are filing something that did not fall into a specific Filing Code. We recommend more accurately describing your filing in the

textbox provided.

- iv. Client Reference Number, Comments to Court, and Courtesy Copies are all optional fields that do not need to be completed.
- v. Make sure that after uploading a PDF of each filing, you click on "Save Changes" before moving onto the next document you want to file.

5. Fees

- a. Payment Account: Select your "Waiver Account," the creation of which is discussed on the preceding page.
- b. Party Responsible for Fees: Select your client's name.
- c. Filing Attorney: Select your name.
- d. Click "Save Changes"

6. Return Date

- a. This section does not need to be completed when filing a Petition for Dissolution of Marriage. However, due to a quirk of the clerk's e-filing system, you will not be able to move forward until you click "Verify" and then "Save Changes" before moving onto the next section.

7. Submission

- a. Check the box for notices and requirements regarding redaction and discovery responsibilities. Clicking on "Summary" will take you to a new page where you can review all of your filings and information to make sure it is accurate. Once you are satisfied with your work, click "Submit" to submit your filings. You may be prompted to select a court date and be faced with an error message. Disregard these options and move forward with your filing.
- b. Once you file, the Clerk's Office will send an e-mail to the e-mail address associated with your e-filing account. This will be your "submitted" e-mail, meaning that the e-filing system has received your filings. Note: this does not mean your filings have been accepted! Within 24-48 hours, you will receive a subsequent e-mail for each filing, stating whether the filing has been accepted or rejected. If accepted, the e-mail will contain a hyperlink to your file-stamped copies, which you can download and print. If any of your filings have been rejected, please contact CVLS for assistance.

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, parental allocation issues involving children in the Petitioner's possession, and some marital property issues. With publication service, the court lacks the personal jurisdiction over the Respondent which is required to enter orders concerning money (this includes child support, maintenance and division of some property and debt). With publication service, 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 that the parties maintained a marital residence in Illinois or that grounds for dissolution arose in Illinois.

To personally serve the Respondent, ordinarily you would 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" 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*.

In 2019, following the inception and requirement of E-Filing, the Cook County Sheriff's Office began allowing litigants and attorneys to place their *Summons* with the Sheriff electronically. This is both easy and convenient, especially once you have created an account. The steps for creating an account and placing your *Summons* with the Sheriff are as follows:

1. Open your web browser and head to this web address: <https://sheriffefile.ccsheriff.org>. Click on "REGISTER" in the upper right-hand of the page and follow the instructions to create an account. You may use your own contact information or CVLS' to create an account.
2. Once you have created an account, you can begin the process of placing with the Sheriff for service. Click on "CREATE E-FILE" and follow the instructions listed under "CREATE NEW CASE". For detailed instructions on this specific process, please visit: <https://sheriffefile.ccsheriff.org/Content/PDF/CreateNewEfileCase.pdf>
Note: If using a CLSP, under the "FEE WAIVER" field, make sure to select "Yes" and upload your file stamped CLSP form.
3. After creating a new case, you will be brought to the "ADD SERVICE" page. There you will select the type of service. In this case, you will select "Individual Service" as you will presumably be serving the Respondent. Fill

out the fields with information pertaining to where you want the Respondent Served. For "Service Notes," you may include particular dates or times for service, but it is not guaranteed that the Sheriff will abide by those notes.

4. Now you will upload your documents. Make sure that you are uploading the file stamped PDF copies of your Summons and Petition for Dissolution of Marriage. Once uploaded, you will be prompted to "Finalize/Pay." If you have uploaded the CLSP properly, the payment amount should be \$0.00. You will receive a service receipt at the e-mail you used to create an account once this process is complete.

If you have an out of State/County Respondent, contact the Sheriff in the County in which you believe the Respondent resides. Ask if they have a form, in addition to the *Summons*, that they require for setting up service. If not, send just a cover letter with the information on Respondent, a *Petition for Dissolution* 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 of the CLSP 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, e-file your proof of service. If you placed the Petition for service with the Cook County Sheriff, they will handle the filing of the proof of service. You can check on the status/result of service on the Cook County Sheriff's website using your case number.

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. The Sheriff does attempt service but will not go out of their way to wait for the Respondent or attempt at different times. Additionally, personal service will allow for the complete adjudication of all issues of the divorce. If you think you have a good address but are unsuccessful at service with the Sheriff, you may want to consider a private processor. This would not be a waivable cost and would need to be paid for by the client.

-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, you will simply complete the *Affidavit*, have client sign, and send the completed *Affidavit* along with a CLSP by e-mail to

publicnotice@lawbulletinmedia.com. They will send you a response that acknowledges your publication request and gives you your publication and default dates.. 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. After you file your Petition, send an e-mail to the Law Bulletin with your *Affidavit* and CLSP, 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 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 312-603-6300 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, return to the Odyssey E-Filing website (<https://illinois.tylerhost.net/ofswab>), log in, and take the following steps. Note that the following steps apply to the filing of any motion and requesting any court date.

1. Click on "File into Existing Case". Find your case by entering the location and case number. Remember that when searching by case number, you cannot include any spaces in your search and you must make sure that you include the full year and six-digit case number.
2. Once you've found your case, select "File into Case". You will then follow the same steps as you did when E-Filing your initial documents with some exceptions:

- a. Under Case Cross Reference Number, in addition to including your attorney code, you will add a second case cross reference number. You will do this by adding your attorney code and then clicking on “+Add Case Cross Reference Number”. For your second case cross reference number, you will select “Motion Type – Default Proveup” and type “Default Proveup” in the Case Cross Reference Number Field. Make sure both your attorney code and “Motion Type” are added before hitting “Save Changes.”
3. The steps after Paragraph 2 are exactly the same as your initial E-Filing. However, during the “Filings” section, you will upload and file your *Certificate and Motion for Default* and a CLSP.
4. Once you have submitted your filing, a pop-up window will display with dates and times available for prove-up. Choose a date and time and save your selection before exiting the browser. Upon completion, you will receive a “Filing Submitted” e-mail, and within 24-48 hours, a file-stamped *Certificate and Motion for Default* with your requested prove-up date.

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 Financial Disclosure Statements and proof of income within 30 days of filing of Appearance – Cook County Circuit Court Rule 13.3.1(b) and 13.3.2)
- 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, or limited to the required exchange under CCR 13.3. For example, you may simply need to obtain the Respondent’s income records through a Notice to Produce or Subpoena. Keep in mind that if you need additional discovery through the use of interrogatories or subpoenas, you are required to tender your Rule 13.3 information before you are permitted to propound discovery. 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 parental allocation and child support, or temporary maintenance, pending the outcome of the matter. Remember that these motions must now be e-filed using the instructions in the initial filing and prove up sections above. Likewise, to request a court date for your motion, you will need to follow the instructions in the prove up section of the manual with the exception that your second case cross reference number type will be “Motion Type – Motion”.

VII. NOTICE OF DEFAULT PROVE-UP TO RESPONDENT

A. DOCUMENTS:

- * *Notice of Motion (2 copies)*
- * *Certificate and Motion for Default*
- * *Judgment for Dissolution of Marriage (with Parental Allocation language or a separate Allocation of Parental Responsibilities Order IF you have children)*

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 s/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).*
- * *Uniform Prove-up Sheet (no 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), *Uniform Prove-up Sheet* 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 script 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 (with Parental Allocation Order if relevant), 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. At the end of your prove-up, make sure to 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*
- * *Uniform Order of 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 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 (312-603-8405 or 312-603-8404) to see if the transcript is done. Unless waived by the Judge at prove-up, a transcript of the proceedings has to be E-Filed. If not, your case could be DWP'd (dismissed for want of prosecution). Pick it up when it's ready, scan the transcript as PDF to upload and E-File on the Clerk's E-Filing website as detailed above. If your Judgment or Uniform Order for Support were not entered instanter, you may return to court on any date court is in session 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.