

**Iris Y. Martinez**

Clerk of the Circuit Court  
of Cook County



A Guide

To The

# Domestic Relations

Division

## Frequently Asked Questions

**The following types of cases are heard in the Domestic Relations Division:**

- Dissolution of Marriage (Divorce)
- Invalidity of Marriage
- Allocation of Parental Responsibilities
- Civil Orders of Protection
- Parenting Time
- Legal Separation

**What are the filings fees for a new case?**

The regular fee for filing all cases in the Division is \$388.00. Fees are waived for filing a Petition for Order of Protection. Please ask to see our Fee Schedule for a complete list of statutory fees.

**Is it necessary to hire an Attorney when filing a case in the Domestic Relations Division?**

It's your decision. If you proceed pro se (acting as your own lawyer), the Clerk's Office will provide some forms for you, but you will have to draft the petition yourself. The Clerk's Office can also provide some sample

forms for you to review or, if it is an order of protection case, special clerks will assist you in filling out your forms. **If you want to obtain legal advice**, legal assistance is available from C.A.R.P.L.S. on the Concourse Level (CL16) of the Daley Center for free or a nominal fee, depending on your income level. Hours are Monday through Friday, 9:00 a.m. to 1:00 p.m. The Legal Aid Hotline at (312) 738-9200 is available on Mon., Tues., Thurs. and Fri. from 9:00 a.m. to 4:30 p.m. and on Wed. from 9:30 a.m. to 7:30 p.m. **Please note that C.A.R.P.L.S is not providing any in-person legal assistance during the COVID Pandemic.**

**What does it mean to have an uncontested versus a contested divorce?**

In an uncontested divorce, both sides agree on the divorce, division of marital property, and child custody and visitation issues. In a contested divorce, the parties disagree about one or more of these areas.

**What documents are required to file an uncontested divorce?**

You need a State Certificate of Dissolution and Invalidity of Marriage, a Domestic Relations Division cover sheet, a Certification and Agreement by Counsel certifying that there are no contested issues Affidavit, and a Waiver of Two-Year Waiting Period. These four forms are available at the Clerk's Office. You must also self-draft a Petition for Dissolution of Marriage. To obtain a court date, the respondent must file their appearance. All forms, other than the state certificate and self-drafted forms, are available online at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org).

**What documents are required to file a contested divorce?**

You need a State Certificate of Dissolution & Invalidity of Marriage, a Domestic Relations Division cover sheet, and a Summons. These three forms are available at the Clerk's Office. You must also self-draft a Petition for Dissolution of Marriage.

**What is a Civil Order of Protection?**

A Civil Order of Protection is a court order signed by a Judge to protect a petitioner (the person who is seeking the relief) from the respondent (the person who allegedly hurt the petitioner). It can only be filed against certain persons with whom you have a special relationship: people who are married or formerly married; people who are related, like parents, children, and siblings; people who live together or formerly lived together; people who are dating or formerly dated; people who are engaged or formerly engaged; and people with disabilities, against their caregivers.

**A minor child can be a protected person under an Order of Protection if an adult makes this request. If you have a pending Domestic Relations case, your Order of Protection case will be assigned the same case number and Judge as your existing case. You can file for a criminal Order of Protection if you sign a criminal complaint against the respondent. The State's Attorney's Office will represent you in court.**

**How are the police notified of an Order of Protection?**

On the same day the Order of Protection is issued, the Sheriff's Office enters the information from the Order onto the Law Enforcement Automated Data System (L.E.A.D.S.). You will also be given a certified copy of your Order of Protection. The Clerk's Office can notify the schools, universities, or day care of children protected under the Order. If needed, ask for and fill out a "Notice to Schools" form.

**Where can I file for an Order of Protection?**

Independent Civil Order of Protection and Criminal Order of Protection cases may be filed at the Domestic Violence Court, 555 W. Harrison Ave., Chicago, IL 60606, (312) 325-9500.

## Frequently Asked Questions Continued

### ***How do I file for Joint Simplified Dissolution of Marriage?***

You must meet the following requirements:

- The duration of the marriage must not exceed eight years;
- There are irreconcilable differences, the parties have been separated six months or more, and efforts at reconciliation have failed or future attempts would be impracticable and not in the best interests of the family;
- There are no children and the wife is not pregnant;
- Neither party is dependent on the other for support;
- Each party waives the right to spousal support;
- Neither party has an interest in real estate;
- The total fair market value of all marital property, after deducting all debts owed, is less than \$10,000;
- The total annual income of both parties is less than \$35,000 and neither party has a gross annual income from all sources in excess of \$20,000;
- Both parties have disclosed to each other all assets and tax returns for all years of the marriage; and
- The parties have executed a written agreement dividing all assets in excess of \$100.00 in value and allocating responsibility for debts and liabilities between themselves.

The Clerk's Office will provide you with the necessary forms. You and your spouse must both be present to file the case in Room 802 of the Daley Center prior to 2:00 p.m. for a judge to hear your case on the same day. Both parties must present valid photo identification.

### ***What do I do with the Summons?***

If the respondent resides in Cook County, take the completed Summons and a copy of the Petition to the Sheriff's Office in Room 701 of the Daley Center, the phone number is (312) 603-6435. Please ask the Sheriff's Office about fees for serving Summons. If the respondent does not reside in Cook County, you must contact the Sheriff's Office in the respondent's county, submit the summons to them and request that they send an affidavit of service to: Clerk of the Circuit Court of Cook County, Richard J. Daley Center, 50 W. Washington Street, Room 802, Chicago, IL 60602.

### ***When do I need an Alias Summons?***

If the Sheriff is unable to complete service of the original Summons, you will need to obtain an Alias Summons from the Clerk's Office. The fee for an Alias Summons is \$6.00. Deliver the Alias Summons to the Cook County Sheriff or the local police agency in the recipient's county so that they may attempt service again. Please ask the Sheriff's Office about fees for serving Alias Summons.

### ***How can I get a certified copy of my Cook County divorce decree?***

Come to Room 802 of the Daley Center or call (312) 603-6300, or go to the suburban courthouse where your case was heard. If the case was filed before 1987, please contact the Archives Department in Room 1113 of the Daley Center or call (312) 603-6601.

### ***Can I review my file?***

Yes, in either Room 802 of the Daley Center or the suburban courthouse where your case was heard. If your case was filed within the last four years, your file is on-site. Otherwise, we will order it for you from the Record Center. Files may be reviewed with a valid photo I.D. card. You are not allowed to remove the original file from the Division.

### ***Where do I go to apply for child support?***

All child support matters can be addressed in the Domestic Relations Division at 50 W. Washington, Room 802, Chicago, IL 60602 or (312) 603-6300.

### ***How can I see the Judge regarding an issue in my case?***

Fill out a Notice of Motion form and a Motion form describing the relief you request. Set up a court date at the motion counter, file the documents and mail them to the opposing side of your case. The Clerk's Office does not set emergency motions. It is advisable to contact the coordinator or court clerk who works with the Judge to whom your case is assigned to determine how the Judge handles emergencies.

### ***Is there Domestic Relations case information on the website?***

Yes, by inputting a case number on the Clerk's website, you can review the full electronic docket for your case. The website also gives you access to fillable court forms and community resources, along with other useful information.

Office of the Clerk of the Circuit Court of Cook County  
Criminal Division  
Criminal Courts Building  
2650 South California Ave., Room 526  
Chicago, IL 60608  
(773) 674-3140

[domesticreldivservices@cookcountycourt.com](mailto:domesticreldivservices@cookcountycourt.com)

Hours:  
8:30 a.m. to 4:30 p.m.  
Monday through Friday  
Excluding Court Holidays



[www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)  **CookCountyClerkofCourt**

*This handout is not a substitute for professional legal advice.*