

General Pre Decree Divorce Questions

Basics

- Caller's name (name as it appears on the ID) and date of birth.
 - **Be sure to get previous names and enter as "alias"**
- Spouse's name and date of birth (ask follow up questions if don't remember dob – how old when you married, month of birthday)
- Date of marriage. Place of marriage. If outside Illinois, where did you live together during the marriage? Were any children born in Illinois?
- Have either of you filed for divorce? If so, date of service.

Date of Separation?

- When was the last time you and AP lived in the same household?
 - Legal service providers do not take divorce cases unless parties have been actually living in separate households for at least 6 months
 - If living in same household, are you in the same bedroom? You can establish legal separation while living together as long as not as you are not intimate.
 - Irrebuttable presumption of irreconcilable differences once separated 6 months.

Children

- Any children together -- before or during the marriage, or adopted?
 - Names and dates of birth.
 - Any adult/emancipated children?
 - Any children born to wife after the date of marriage that are NOT husband's
 - If yes, then biological father's name (and date of birth) must be added as Adverse Party to the case
- Who do the children live with? Who have they lived with since the date of separation? Have they lived with anyone besides the two spouses?
- Any child support? If yes, how much? Is the child support court ordered, administrative or informal?
- Is there a formal or informal parenting schedule?

Property

- Any real estate owned by either party – house or land anywhere?
 - If own home, who is living there? Who is on mortgage? Who is on the title? Is mortgage current? When purchased?
- What kind of work does caller do? Income? For how long? Any pension or 401k?
- What kind of work does spouse do? Income? For how long? Any pension or 401k?
 - Note:** Government workers (city, state or federal) and union workers are likely to have a pension if worked at job more than 5 years
- Any other property of significant value accumulated during the marriage?

Other Issues

- Do you or your spouse owe any debt (any debt acquired during the marriage is presumed to be marital and divided equitably)?
- Any history of domestic violence? Any past or current order of protection? Does spouse know where you live?
- Is there a history of one spouse financially supporting the other spouse?
- What do you and your spouse agree on – parenting time and responsibilities, child support, maintenance, division of property?
- What is your goal? What do you want to accomplish?

Joint Simplified Divorce (Best and easiest divorce option – if both parties qualify and appear, divorce can be entered in one day)

- Married less than 8 years
- Six months separation and irreconcilable differences
- No children born to parties or adopted and wife is not pregnant
- Neither party owns real estate
- Fair market value of all assets less than \$50,000
- Neither party earns more than \$30,000 a year
- Combined income of both parties is below \$60,000
- Parties have disclosed to each other all assets and income tax returns for the years of marriage

Good Referrals to Domestic Relations Desk

*When referring a client to the Domestic Relations Desk, client should be advised that their case will be evaluated for what type of assistance can be provided. Clients should not be told that the Domestic Relations Desk will draft. This is a determination only the Domestic Relations Desk staff can make.

- Six months or longer separation – living at different addresses
- No ongoing domestic violence (or current Order of Protection), other spouse is aware of where caller lives and caller is not afraid of spouse
- No minor children (*unless agree on all issues – see below*)
- No marital real estate
- No pension or other property worth more than \$10,000
- Not seeking maintenance/alimony
- Caller either knows spouse's current address or is willing to look for spouse and complete our Publication Worksheet
- Caller understands that a pro se divorce will take several (3-6) months and at least 5 trips to the Daley Center
- Parties qualify for a Joint Simplified Divorce and both are willing to come to Daley Center together

- If **minor children**, the Domestic Relations Desk as of 1/2016 is not drafting any divorces involving children due to the change in the law. We will keep attorneys posted when we do begin drafting for divorces involving children.

Cases NOT to Send to DR Desk

- Involving marital real estate or other assets worth more than \$10,000
- Involving maintenance
- Involving division of a retirement savings plan or pension which will require a QDRO
- Caller is not able or willing to travel to Daley Center five or more times
- Lying or contradictory clients or those with significant credibility issues.
- Case requires discovery – “I think he has a pension”
- Caller cannot locate spouse and spouse has parties’ minor children
 - Where minor children are involved and spouse cannot be located, DR Desk will only draft for custodial parent
- Ongoing domestic violence
- Questions as to paternity have been raised, “I might not be the father”

When coming to DR Desk, caller needs to bring:

- ✓ Marriage license
- ✓ State ID
- ✓ Birth certificates for all children
- ✓ Spouse’s current address or Publication Worksheet (these can be faxed to the hotline in advance of being seen at Domestic Relations Desk)
- ✓ Divorce by Agreement worksheet (where minor children) (these can be faxed to the hotline in advance of being seen at Domestic Relations Desk)
- ✓ Any administrative or court orders involving these parties or their children (juvenile court, paternity, child support)
- ✓ Paystub or other proof of income – client and spouse

Clients should arrive at desk by 8:30 a.m. Clients are seen on a first come, first served basis. Domestic Relations Desk is located in CL 16 of the Daley Center (basement level next to Starbucks)