

Q

I received a divorce summons. I am so confused. The summons gives me 30 days to respond before consequences. They say I have to pay \$200 which I don't have. I don't know what to do or where to go. I can't afford a lawyer, but my wife already has one. Please help me.

-- Freddie T., Cook County

A

Hi Freddie,

This can be confusing, but I can give you some advice.

You can go to court without a lawyer. When you don't have your own lawyer, you are representing yourself and appearing "pro se." Since your wife has a lawyer, it might be harder for you. However, the judges in family court are used to people representing themselves.

If you decide to consult or hire a lawyer, the best way is to ask family and friends for recommendations. These are also good websites: [Illinois Lawyer Finder](#) or [JEP Chicago](#).

You have a choice to respond or not to respond to the divorce papers. If you decide to respond, then you will be filling out some paperwork and filing it at court. You do have just 30 days to respond. If you decide not to respond, then the case will go on without you.

Here is an article that explains your different options and the process: [Responding to a divorce case](#). If you decide to respond, then you can file an [Appearance and Answer](#).

It does usually cost money to file paperwork with the court. Sometimes those fees can be waived. Since you were able to create an account on this website, then you probably can get your fees waived. Use this form: [Fee waiver](#).

It seems tricky, but there are just a couple of forms. You can do this!

Best wishes, Nicole

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Applicable Law

750 ILCS 5/ Illinois Marriage and Dissolution of Marriage Act

Background of the Law

Dissolution and legal separation

A party can file for divorce in Illinois if they or their spouse have lived in the State for at least 90 days.

Procedure

A dissolution proceeding is commenced by filing a petition for dissolution of marriage or a praecipe for summons that can also be used as grounds for an involuntary dismissal if a Petition for Dissolution or a Petition of Legal Separation is filed subsequently in another county. 750 ILCS 5/411.

Petition requirements

The petition must set forth at a minimum the following information 5/403(a)(1) – (6):

- The age, occupation and residence of each party and his or her length of residence in this state;
- The date and place of the marriage;
- That jurisdictional requirements are met;
- The names, ages and addresses of all living children of the marriage and whether the wife is pregnant;
- Any arrangements as to support and parental responsibility allocation of the children and maintenance of a spouse; and
- The relief sought.

Grounds

Illinois is a no-fault state. There's only one ground for dissolution: irreconcilable differences. To be granted a divorce for irreconcilable differences, the petitioner must show 3 things:

1. Irreconcilable differences have caused a breakdown of the marriage;
2. Past efforts at saving the marriage have failed; and
3. Future efforts at saving the marriage would be impracticable and not in the best interests of the family.

Simplified divorce proceedings are available to those who meet stringent requirements e.g., having been married for less than 5 years, with no children, no real estate or retirement benefits,

Relevant ILAO Content

[Responding to a divorce case](#)

[Getting a divorce](#)

[Costs of divorce](#)

[Responding to a lawsuit](#)

[Fee Waiver](#)

[Divorce and custody \(Lawyer Manual\)](#)