



This is for information and instruction. Do not file it.

# HOW TO COMPLETE A FINANCIAL AFFIDAVIT (FAMILY & DIVORCE CASES)

## 1

### STEP 1

#### FILL OUT THE REQUIRED FORMS.

A *Financial Affidavit* provides financial information and documents to your spouse and the judge. This helps make sure everyone has the right information when deciding things like dividing property or setting support payments. Complete the form by listing your income, expenses, assets and debts, and attaching any documents that support the information you list on the *Financial Affidavit*.

##### Use this form:

- *Financial Affidavit (Family & Divorce Cases)*

## 2

### STEP 2

#### SEND FORMS TO THE OTHER PERSON.

You must send your form to the other people in the case. If a person in the case has a lawyer, send the form to the lawyer. Make sure you complete a *Proof of Delivery* form so the court knows how you sent your *Financial Affidavit* to the other people in the case.

Only file your financial affidavit and any attachments with the Circuit Clerk if a local rule or court order requires you to do so. Ask the Circuit Clerk where to find these rules.

##### Use this form:

- *Proof of Delivery*

Laws covering these forms: Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5/501](#).



This overview is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.



# STEP 1

## FILL OUT THE REQUIRED FORMS.

## ARE THESE FORMS FOR ME?

You may use a **Financial Affidavit** to provide financial information and documents to your spouse and the judge in **all family and divorce cases**. If you need more room for a section, complete and attach the *Additional Information* form for that section.

**Do not use these forms** in any other type of case.

### Where can I get the forms?

You can find the forms at [ilcourts.info/forms](http://ilcourts.info/forms). Your courthouse may have self-help resources that can assist you with information and filling out the forms. Check with the Circuit Clerk.

### Information you will need to fill out the forms:

- Most recent income tax returns;
- Most recent paystubs or other proof of income;
- Most recent bank statements;
- Other documents supporting your statements about your expenses, debts, and assets.



**NOTE:** If any of these documents contain your contact information, Social Security or individual taxpayer identification numbers, driver's license numbers, financial account numbers, or debit or credit card numbers, **hide them by covering them with black ink or otherwise removing**.

### When is the *Financial Affidavit* due?

- Your *Financial Affidavit* is due by any deadline given by local court rules or by the judge.
- If you file a request for temporary child support, temporary maintenance, or interim attorney fees, your *Financial Affidavit* is due at the same time.

## EXTRA HELP FILLING OUT THE FORMS

### Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit [ilao.info/fin-aff-easy-form](http://ilao.info/fin-aff-easy-form) or scan the QR code to use the Easy Form.



### IL Court Help

For more information about going to court, including how to fill out and file forms, call or text **Illinois Court Help** at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

If there are any words or terms used in these instructions that you do not understand, please visit **Illinois Legal Aid Online** at [ilao.info/glossary](http://ilao.info/glossary). You may also find more information, resources, and the location of your local legal self-help center at [ilao.info/lshc-directory](http://ilao.info/lshc-directory).



# IMPORTANT INFORMATION

## Who must fill out a *Financial Affidavit*?

- A person in a case where temporary support, temporary maintenance, or interim attorney fees are requested.
- A person in a case if a local court rule or the judge requires that a *Financial Affidavit* be provided.

## Do I have to answer all the questions?

- Yes, answer all questions and complete all sections of the *Financial Affidavit* even if the response is “not applicable,” “none,” “not in my possession,” or another brief explanation.
- Do not list the same income, expense, asset, or debt in more than one section of the *Financial Affidavit*.

## What if I lie on the *Financial Affidavit*?

The information you provide in the *Financial Affidavit* must be true. If you lie or provide misleading information, you may face significant penalties and sanctions, including costs and attorney’s fees.

## What if I realize I made a mistake on the *Financial Affidavit* or my information changes?

Fill out and provide a corrected *Financial Affidavit*.

## How do I calculate my income?

If you are not paid monthly, you will need to convert your income into monthly amounts. For example, if you are paid \$600 per week, multiply \$600 by 52 weeks to get your pay per year and then divide that amount by 12 months to get your monthly pay ( $\$600 \times 52 = \$31,200 \div 12 = \$2,600$  per month).

## How do I calculate my expenses?

Some expenses vary during the year or are paid only once or twice a year. In those cases, calculate the total yearly amount you pay and then divide by 12 to reach the average monthly amount. For example, if you pay \$600 twice a year for car insurance, multiply \$600 by 2 to get the amount you pay per year (\$1,200) and then divide that amount by 12 to get the monthly amount ( $\$600 \times 2 = \$1,200 \div 12 = \$100$  per month).

## How to Calculate Monthly Amounts

Weekly (52 times per year):

\$   $\times 52 = \$$    $\div 12 = \$$   per month

Bi-weekly/every 2 weeks (26 times per year):

\$   $\times 26 = \$$    $\div 12 = \$$   per month

Semi-monthly/twice a month (24 times per year):

\$   $\times 24 = \$$    $\div 12 = \$$   per month

Quarterly (4 times per year):

\$   $\times 4 = \$$    $\div 12 = \$$   per month

## How do I determine fair market value (FMV)?

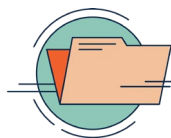
FMV is generally defined as the selling price for an item to which an unrelated buyer and seller can agree. You may also look at what similar items have sold for recently, get the item appraised, or use a third-party website like Zillow.com for real estate or Kelley Blue Book for automobiles. Attach any documents you have that verify FMV.

# HOW TO FILE THE FORMS



## E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
  - You qualify for an exemption (see the Not E-filing section below) or
  - Your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
- There may be fees to file your forms.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk's office. These places offer public computers where you can e-file your forms.
  - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



## Not E-filing

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have internet or computer access in your home, and it is hard for you to travel.
  - Have trouble reading, writing, or speaking English.
  - Are filing documents in a sensitive case, such as an order of protection.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/exempt](http://ilcourts.info/exempt). If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



## WHAT'S NEXT



### STEP 2

#### SEND FORMS TO THE OTHER PERSON.

- You must send a copy of the completed *Financial Affidavit* and supporting documents to the other person in the case. If a person has a lawyer, send it to the lawyer.
- Complete and file a *Proof of Delivery* form with the Circuit Clerk to show that you sent your forms to the other party. You can find the *Proof of Delivery* form at [ilcourts.info/forms](http://ilcourts.info/forms).
- Only file your *Financial Affidavit* and any attachments with the Circuit Clerk if a local rule or court order requires you to do so. Ask the Circuit Clerk where to find these rules.



#### YOU COMPLETED THE FINANCIAL AFFIDAVIT.