

Pro se Instructions for Local Rule 8.03 Position Statement

According to the St. County Local Rule 8.03: “The attorneys and/or *pro se* parties shall file a statement of proposed resolution of all issues not less than seven days before final hearing.”

This information is not to be substituted for legal advice. You are responsible to knowing and understanding the information contained in these instructions on your own.

DEFINITIONS

1. **Asset:** Something of value
2. **Caption:** The heading of the case document or pleading, which contains the Circuit, the names of the parties and the case number. Usually at the top of the first page of a document or pleading.
3. **Child Support:** Money paid to support a child
4. **Custody:** The legal right and responsibility for raising a child; The care, control and maintenance of a child
5. **Debt:** An amount of money owed to another
6. **Debtor:** Person, business or company which is owed money (such as credit cards, banks, mortgage company, car finance companies, etc)
7. **Deviate:** Be different. To not go as planned; (For example, under certain circumstances, the Court may deviate from the child support guidelines in the Illinois statutes)
8. **Dissolution of Marriage:** Divorce; A formal dissolving of a marriage and the legal rights and obligations of matrimony.
9. **Distribute:** Divide between the parties
10. **Intangible:** Can not be touched; immaterial quality; no physical existence
11. **Irreconcilable Differences:** Differences between a married couple that have caused the breakdown of the marriage bond; The breakdown is so tremendous that the marriage bond can not be restored; Even after attempting to stay together have failed and would not be in the family’s best interest.
12. **Joint Custody:** The care, control and maintenance of a child by both parties; The legal rights and responsibility for raising a child by both parties.
13. **Maintenance:** Money paid by one party to support another party; Formerly known as alimony. Depending on the parties’ circumstances, the Court may order **Permanent Maintenance** or **Temporary/Rehabilitative Maintenance**.
14. **Marital:** relating to the marriage; obtained during the marriage; purchased during the marriage;
15. **Non-Marital:** Separate and not relating to the marriage, such as property or debt obtained before the marriage or by inheritance and not made a part of the marriage.

16. **Paternity:** Fatherhood
17. **Personal Property:** items owned which are moveable; May be tangible, such as cars, clothing, and jewelry; May be intangible, such as stocks, bonds, bank accounts, or life insurance policies;
18. **Petitioner:** The party who started the case when it was filed and asked the court for some ruling or judgment. Regardless of who asks for any other ruling or judgment after the case is started, whoever is the initial Petitioner is always the Petitioner if it is filed in the same case.
19. **Pleading:** The document with formal statements used to make a request of the Court
20. **Property:** Something owned; It could be real estate or items which are tangible or intangible
21. **Pro se:** Appearing for oneself, as in the case of one who does not retain a lawyer and appears for him/herself in court.
22. **Real Estate/Real Property:** land, together with any buildings or improvements on it.
23. **Respondent:** The party who responds to a case that was filed against him/her. Regardless of whether the Respondent also asks for a ruling or judgment, he/she remains the Respondent if filed in the same case.
24. **Sole Custody:** The care, control and maintenance of a child by one party; The legal rights and responsibility for raising a child by one party.
25. **Statute:** a law enacted by the legislature
26. **Statutory:** according to statute
27. **Tangible:** Can be touched; Has a physical existence;
28. **Visitation:** The right to have access to a child for a set period of time.

GENERAL DIRECTIONS

- A. Fill in the caption (names and case number); Whoever was the Petitioner when this case number was issued remains the Petitioner; Whoever was the Respondent when this case number was issued remains the Respondent.
- B. Fill in your name and fill in whether you are the Petitioner or Respondent.
- C. Go through each box of information. If the issue does not apply, check (✓) the box next to "Does not apply". For example, if your case is not a divorce, then check (✓) that box. If there are no children involved in your case, check (✓) that box in the CUSTODY, VISITATION, and CHILD SUPPORT sections.
- D. Read, fill in and check (✓) each box as it applies. Most of the boxes refer to an Attachment, which is included in this package. If additional information is needed on the Attachment, be sure to complete the Attachment and include the Attachment with the 8.03 Statement and check (✓) the box next to "See Attachment".
- E. Feel free to add additional pages if more space is needed.
- F. Read the statement at the end. If it is true that information provided in the 8.03 Statement is true and correct to the best of your knowledge and belief, sign and date in the appropriate space and print your name below your signature.
- G. You are responsible for making 2 extra copies and for filing the original with the Court. Keep a copy for yourself to use during the trial; Mail a copy to the opposing party or to his/her attorney if he/she has an attorney;

DISSOLUTION OF MARRIAGE

☐ I have lived in the State of Illinois for the last 90 days.

☐ My spouse has lived in the State of Illinois for the last 90 days.

If Irreconcilable Differences

☐ I have lived separate and apart from my spouse for 2 years or more.

☐ I have lived separate and apart from my spouse for 6 months or more.

☐ The marriage bond between me and my spouse is broken down and that breakdown cannot be restored; We have attempted to restore our marriage bond but those attempts have failed; Further attempts would not be in the best interest of us/our family

If Other:

☐ Without cause or pushing him / her into it, my spouse is guilty of extreme and repeated acts of physical or mental cruelty.

☐ Without cause or pushing him / her into it, my spouse was at the time of the marriage and continue(s) to be impotent or unable to perform sexual intercourse.

☐ Without cause or pushing him / her into it, my spouse had a wife/husband living at the time of the marriage.

☐ Without cause or pushing him / her into it, my spouse has committed adultery during the marriage.

☐ Without cause or pushing him / her into it, my spouse has willfully deserted or absented myself/himself/herself for at least one year.

☐ Without cause or pushing him / her into it, my spouse has been guilty of habitual drunkenness for at least 2 years.

☐ Without cause or pushing him / her into it, my spouse has excessively used addictive drugs for at least 2 years.

☐ Without cause or pushing him / her into it, my spouse has attempted the life of the other by poison or other means.

☐ Without cause or pushing him / her into it, my spouse has been convicted of a felony or other infamous or extremely bad crime.

☐ Without cause or pushing him / her into it, my spouse has infected the other with a sexually transmitted disease.

ATTACHMENT B

CUSTODY

☐ I am fit and proper to have the sole custody of my child/children and this is the best interests of the child/children.

☐ _____ is fit and proper to have the sole custody of my child/children
and this is the best interests of the child/children

☐ Both parties are fit and proper to have the joint custody of my child/children and this is the best interests of the child/children.

Please write your reasons supporting the above selection:

[illegible]

Continue on separate page if more space is needed

ATTACHMENT B continued

VISITATION

- ☐ I should be have visitation
- ☐ _____ should have visitation
- ☐ Other (see below)

Visitation should be as follows, include transportation or meeting place for pick up/drop off:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

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ATTACHMENT C

Child Support Worksheet

Using Illinois Statutory Guidelines (Attach check stub – be sure to black out Social Security Number)

Gross Wages \$ _____

___ weekly ___ bi-wkly ___ semi-mo ___ monthly ___ other

Federal Income Taxes \$ _____

State Income Taxes _____

Social Security (FICA) _____

Medicare _____

Mandatory retirement _____

Union dues _____

Health insurance _____

___ Individual coverage or ___ dependent coverage

Prior support/maintenance _____

TOTAL DEDUCTIONS: _____

Subtract total deductions from gross pay \$ _____ = Net Income

Your net pay may differ from the calculations on this sample worksheet depending on many different factors.

Please refer to 750 ILCS 5/505. Child support may be a percentage of you Net Income, as follows: 1 child – 20%; 2 children – 28%; 3 children – 32%; 4 children – 40%; 5 children – 45%; 6 or more children – 50%; Net Income \$ _____ x _____ % = \$ _____.

☐ Child support should not be ordered according to the statute. Please explain what you are asking the Court to order as child support and why: _____

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ATTACHMENT D

DEBTS/BILLS

[illegible]

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ATTACHMENT E

PROPERTY/ASSETS

[illegible]

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ATTACHMENT F

OTHER ISSUES

Please number and explain the issue(s) and what you are requesting the Court to do:

[illegible]

Continue on separate page if more space is needed