

Getting Started

Financial Affidavit (Family & Divorce Cases)

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to complete a *Financial Affidavit (Family & Divorce Cases)*. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Complete a Financial Affidavit (Family & Divorce Cases)* instruction sheet and the instructions on the forms.

Names of forms:	<ul style="list-style-type: none"> • <i>Financial Affidavit (Family & Divorce Cases)</i> • <i>Additional Information for the Financial Affidavit (Family & Divorce Cases)</i> (if needed)
Purpose of the forms:	To provide financial information and documents to the other party and the court in cases involving child support, children's expenses, college expenses, spousal maintenance (alimony), or attorney's fees.
Types of cases the forms CAN be used for:	Divorce, parentage, and dissolution of a civil union.
Types of cases the forms CANNOT be used for:	All other case types.
Cost to File the Form:	None
Special information or papers needed to complete the forms:	<ul style="list-style-type: none"> • Most recent income tax returns • Most recent pay stubs or other proof of income • Most recent bank statements • Other supporting documents
Statutes covering the forms:	<u>750 ILCS 5/501</u> "Temporary Relief," Illinois Marriage and Dissolution of Marriage Act.
Where to find the forms and instruction sheet:	www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How to Complete a Financial Affidavit (Family & Divorce Cases)</i> instructions that come with these forms. You may also find more information and resources at the courthouse or by going to www.illinoislegalaid.org .

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

What is a *Financial Affidavit*?

It is a document used by the judge to assess your income, expenses, assets, and debts. The information you provide in the affidavit must be true.

Who must complete a *Financial Affidavit*?

Any party asking for or being asked to pay child support, children's expenses, college expenses, spousal maintenance (alimony), or attorney's fees.

The *Financial Affidavit* must be supported by documents, including your most recent:

- o income tax returns
- o pay stubs or other proof of income
- o bank statements
- o other supporting documents

If your information is protected because of domestic violence or abuse, you can remove that information from the financial documents you provide.

When is the *Financial Affidavit* due?

There is no general rule. There may be local rules about when to file a *Financial Affidavit*. If there are, you must follow these rules. Ask the Circuit Clerk where to find these rules.

Where can I find the forms I need?

You can find the forms at:

<http://www.illinoiscourts.gov/Forms/approved/>

What do I do after I fill out my *Financial Affidavit*?

- o You must send a copy of the completed *Financial Affidavit* and supporting documents to the other party in the case. If a party has a lawyer, send it to the lawyer.
- o 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: <http://www.illinoiscourts.gov/Forms/approved/>
- o You should not file your *Financial Affidavit* with the Circuit Clerk unless a local rule or court order requires you to do so.

What if I provide false or misleading information?

You may face significant penalties and sanctions, including costs and attorney's fees.

What if I do not have all the information available to answer all questions?

You will need to show the judge you did your best to obtain all of the information asked for. If you do not have all the information at the time you complete the *Financial Affidavit*, give what you have and provide the rest as soon as possible.

Do I have to answer all 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.

Where can I get help?

If you do not hire a private attorney, help is available online at www.illinoislegalaid.org or at your local law library.

How do I fill out the *Financial Affidavit*?

The form has instructions in the column on the left side to help you.

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 to get your pay per year and then divide that amount by 12 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

Use this "How to Calculate Monthly Amounts" table to help make your calculations.

Weekly (52 times per year):
 $\$ \square \times 52 = \$ \square \div 12 = \$ \square$ per month

Bi-weekly/every 2 weeks (26 times per year):
 $\$ \square \times 26 = \$ \square \div 12 = \$ \square$ per month

Semi-monthly/twice a month (24 times per year):
 $\$ \square \times 24 = \$ \square \div 12 = \$ \square$ per month

Quarterly (4 times per year):
 $\$ \square \times 4 = \$ \square \div 12 = \$ \square$ per month

Do not list the same expense in more than one section of the *Financial Affidavit*.

6. Information about other household members:

I currently live with another adult who is not the Petitioner or Respondent in this case who helps pay my expenses: Yes No

In 7b, check the box to indicate who each child of this relationship lives with. Check both boxes if the child lives with both parents. If the child does not live with Petitioner or Respondent, do not check either box.

7. Children:

a. Children were born or adopted as a result of this relationship: Yes No

	Name of Child of this Relationship	Date of Birth	Lives with	
1.			<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
2.			<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
3.			<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
4.			<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent
5.			<input type="checkbox"/> Petitioner	<input type="checkbox"/> Respondent

c. Other children not of this relationship live with me: Yes No

In 8a, check all that apply. Provide all information requested about your jobs, including all full-time, part-time, temporary, contract, or other work. If you need more room to list additional employment, complete and attach *Additional Information for the Financial Affidavit*.

8. My employment:

a. I am unemployed self-employed employed by someone else

b. Employer name: _____

c. Employer address: _____
Street Address, Apt.

City _____ State _____ ZIP _____

d. Number of paychecks per year: 12 (monthly) 24 (two times a month)
 26 (every two weeks) 52 (weekly)
 I am paid in cash

e. Gross income (before taxes and deductions) so far this year \$ _____
as of _____
Date _____

In 8e, enter your total gross income from all sources from January 1 of this year through the date you list.

In 9a, check only one.
In 9a-d, enter the information you submitted on last year's IRS tax return. If you did not file a tax return for last year check **Did not file**, leave a-d blank but still complete 9e.

9. My gross income and taxes from last year:

a. Tax filing status: Married (Joint) Married (Separate) Single
 Head of Household Did not file

b. Number of dependent exemptions claimed: _____

c. Total number of exemptions claimed: _____

d. Amount of most recent tax refund: \$ _____ or amount owed \$ _____

e. Gross income (before taxes and deductions) last year: \$ _____

10. Bankruptcy in the last 5 years:

I filed for bankruptcy in the last 5 years: Yes No

For help in calculating monthly amounts, see *How to Complete a Financial Affidavit*.

11. My gross monthly income (before taxes and deductions) is:

Regular employment earnings (salary, wages, base pay, etc.) \$ _____
Overtime \$ _____
Commission \$ _____
Tips \$ _____
Bonus \$ _____

In 11, Regular employment earnings mean the monthly gross income you receive on a regular basis from employment.

Income other than **Regular employment earnings**, such as **Overtime, Commission, or Bonus** should be listed separately.

For **Educational funds** include fellowships, stipends, grants, scholarships, etc.

If you have other monthly income not listed in 11, list the income source in **Other** and enter the amount.

In **Total Gross Monthly Income**, add the amounts in 11 together and enter the total.

For help in calculating monthly amounts, see *How to Complete a Financial Affidavit*.

In 12, use information from your paystubs, tax records, and other sources to identify all properly calculated deductions.

In **Total Monthly Deductions**, add the amounts from 12 together and enter the total.

- Pension and other retirement benefits \$ _____
- Annuity \$ _____
- Interest income \$ _____
- Dividend income \$ _____
- Trust income \$ _____
- Social Security: SSI SSDI retirement (check all that apply) \$ _____
- Unemployment benefits \$ _____
- Disability payment (not Social Security) \$ _____
- Workers' compensation \$ _____
- TANF and SNAP \$ _____
- Military allowances \$ _____
- Investment income \$ _____
- Rental income \$ _____
- Partnership income \$ _____
- Distributions and draws \$ _____
- Royalty income \$ _____
- Educational funds (include payments made directly to the school) \$ _____
- Maintenance \$ _____
- Child support for children of this relationship \$ _____
- Child support for children not of this relationship \$ _____
- Gifts of money \$ _____
- Other _____ \$ _____

Total Gross Monthly Income \$

12. My monthly deductions are:

- Federal tax \$ _____
- State tax \$ _____
- FICA (or Social Security equivalent) \$ _____
- Medicare tax \$ _____
- Mandatory retirement contributions (by law or condition of employment) \$ _____
- Union dues \$ _____
- Health insurance premiums (medical, dental, vision) \$ _____
- Life insurance premiums to secure child support \$ _____
- Child support actually paid under a court order in a different case \$ _____
- Maintenance actually paid under a court order in a different case \$ _____
- Maintenance actually paid or payable under a court order in this case \$ _____
- Expenditures for repayment of debts that represent reasonable and necessary expenses for the production of income including, but not limited to, student loans, medical expenditures necessary to preserve life or health, reasonable expenditures for the benefit of the child and other parent, exclusive of gifts. \$ _____
- Foster care payments paid by DCFS \$ _____

Total Monthly Deductions \$

For help in calculating monthly amounts, see *How to Complete a Financial Affidavit*.
 In 13a, enter the amount your household spends on each item each month.

If you have other monthly living expenses not listed in 13a, list the expense in **Other** and enter the amount.

In **Subtotal Monthly Household Expenses**, add the amounts in 13a together and enter the total.

In 13b, enter the amount you spend monthly on each type of transportation expense.

If you have other transportation expenses not listed in 13b, describe the expense in **Other** and enter the amount.

In **Subtotal Monthly Transportation Expenses**, add the amounts in 13b together and enter the total.

In 13c, enter the amount you spend monthly only for yourself on each type of expense. Do not include expenses you are reimbursed for through insurance or your employer.

13. My monthly living expenses are:

a. Household Expenses

- Mortgage or rent \$ _____
- Home equity (HELOC) and second mortgage \$ _____
- Real estate taxes \$ _____
- Homeowners or condo association dues and assessments \$ _____
- Homeowners or renters insurance \$ _____
- Gas \$ _____
- Electric \$ _____
- Telephone \$ _____
- Cable or satellite TV \$ _____
- Internet \$ _____
- Water and sewer \$ _____
- Garbage removal \$ _____
- Laundry and dry cleaning \$ _____
- House cleaning service \$ _____
- Necessary repairs and maintenance to my property \$ _____
- Pet care \$ _____
- Groceries, household supplies, and toiletries \$ _____
- Other _____ \$ _____

Subtotal Monthly Household Expenses \$ _____

b. Transportation Expenses

- Car payment \$ _____
- Repairs and maintenance \$ _____
- Insurance, license, and city stickers \$ _____
- Gasoline \$ _____
- Taxi, ride-share, bus, and train \$ _____
- Parking \$ _____
- Other _____ \$ _____

Subtotal Monthly Transportation Expenses \$ _____

c. Personal Expenses

- Medical (out-of-pocket expenses)
 - Doctor visits \$ _____
 - Therapy and counseling \$ _____
 - Dental and orthodontia \$ _____
 - Optical \$ _____
 - Medicine \$ _____
- Life insurance (not required by law to secure child support)
 - Life (term) \$ _____
 - Life (whole or annuity) \$ _____
- Clothing \$ _____
- Grooming (hair, nails, spa, etc.) \$ _____

Club membership dues \$ _____
 Entertainment, dining out, and hobbies \$ _____
 Newspapers, magazines, and subscriptions \$ _____
 Gifts \$ _____
 Donations (*political, religious, charity, etc.*) \$ _____
 Vacations \$ _____
 Voluntary trade or professional association dues \$ _____
 Professional fees (*accountants, tax preparers, etc.*) \$ _____
 Other _____ \$ _____

Subtotal Monthly Personal Expenses \$ _____

d. Minor and Dependent Children Expenses

Clothing \$ _____
 Grooming (*hair, nails, spa, etc.*) \$ _____
 Education \$ _____
 Tuition \$ _____
 Books, fees, and supplies \$ _____
 School lunch \$ _____
 Transportation \$ _____
 School-sponsored trips and special events \$ _____
 Uniforms \$ _____
 Before and after-school care \$ _____
 Tutoring and summer school \$ _____
 Medical (*out-of-pocket expenses*) \$ _____
 Doctor visits \$ _____
 Therapy and counseling \$ _____
 Dental and orthodontia \$ _____
 Optical \$ _____
 Medicine \$ _____
 Allowance \$ _____
 Childcare and sitters \$ _____
 Extracurricular activities and sports (*including equipment, uniforms, etc.*) \$ _____
 Summer and school-break camps \$ _____
 Vacations (*children only*) \$ _____
 Entertainment, dining out, and hobbies (*children only*) \$ _____
 Gifts children give to others \$ _____
 Other _____ \$ _____

Subtotal Monthly Children Expenses \$ _____

Total Monthly Living Expenses (*add the subtotals from above*) \$ _____

If you have other personal expenses not listed in 13c, describe the expense in **Other** and enter the amount.

In **Subtotal Monthly Personal Expenses**, add the amounts in 13c together and enter the total.

In **13d**, enter the amount spent monthly on the minor and dependent children of this relationship.

In **Medical**, do not include expenses you are reimbursed for through insurance or your employer.

If there are other child-related expenses not listed in 13d, describe the expense in **Other** and enter the amount.

In **Subtotal Monthly Children Expenses**, add the amounts in 13d together and enter the total.

In **Total Monthly Living Expenses**, add the Subtotals from 13a-13d together and enter the total.

In 14, enter your debts including credit cards and past due bills.
Do not include debt payments previously listed in 13 above, such as your mortgage or car payment.

14. My debts:

	Creditor Name	Describe Nature of Debt (household goods, attorney's fees, etc.)	Amount Owed	Monthly Payment Being Made
1.			\$	\$
2.			\$	\$
3.			\$	\$
4.			\$	\$
5.			\$	\$
6.			\$	\$

In **Total Monthly Debt Payments**, add the **Minimum Monthly Payment** amounts from 14 together and enter the total.

Total Monthly Debt Payments \$ _____

In **Total Gross Monthly Income**, enter the total from 11.

15. Total Income Available Per Month:

In **Total Monthly Deductions**, enter the total from 12.

a. Total Monthly Net Income

Total Gross Monthly Income \$ _____

Subtract **Total Monthly Deductions** from **Total Gross Monthly Income** and enter the total.

Total Monthly Deductions - \$ _____

Total Monthly Net Income = \$ _____

In **Total Monthly Living Expenses**, enter the total from 13.

b. Total Monthly Living Expenses and Debt Payments

Total Monthly Living Expenses \$ _____

In **Total Monthly Debt Payments**, enter the total from 14.

Total Monthly Debt Payments + \$ _____

Total Monthly Living Expenses and Debt Payments = \$ _____

Subtract **Total Monthly Debt Payments** from **Total Monthly Living Expenses** and enter the total.

c. Total Income Available Per Month

Total Monthly Net Income \$ _____

In **Total Monthly Net Income**, enter the total from 15a.

Total Monthly Living Expenses and Debt Payments - \$ _____

Total Income Available Per Month = \$ _____

In **Total Monthly Living Expenses and Debt Payments**, enter the total from 15b.

Subtract **Total Monthly Living Expenses and Debt Payments** from **Total Monthly Net Income** and enter the total.

16. My assets:

In 16a, enter your cash and cash equivalents. Do not list account numbers.

a. Cash and Cash Equivalents

Checking, Savings, Money Market, and Other Bank or Credit Union Accounts

	Name of Bank or Institution	Name on Account	Account Type	Balance
1.				\$
2.				\$
3.				\$
4.				\$
5.				\$

Certificates of Deposit

	Name of Bank or Institution	Name on Account	Balance
1.			\$
2.			\$
3.			\$
4.			\$

Cash and Prepaid Debit Card

	Location of Cash/Card	Held By	Balance
1.			\$
2.			\$
3.			\$

**b. Investment Accounts and Securities
Stocks, Bonds, Options, and ESOPs**

In 16b, enter information for your investments and securities.

	Company Name	# Shares	Type	Owner	FMV
1.					\$
2.					\$
3.					\$
4.					\$
5.					\$

FMV means Fair Market Value throughout this form.

Investment/Brokerage Accounts, Mutual Funds, and Secured or Unsecured Notes

	Description of Asset	Owner	Balance
1.			\$
2.			\$
3.			\$
4.			\$

In **16c**, enter information for your real estate.

In **16e** and **16d**, in **Balance Due**, enter the total amount remaining on your loan.

In **16d**, enter information about your motor vehicles.

In **16e**, enter information about your business interests.

In **Type**, enter whether the business is a corporation, S Corp, or LLC, etc.

In **16f**, enter information about each life insurance policy you have for yourself, the other party, or your children.

In **16g**, enter information about retirement benefits (vested and non-vested).

In **16h**, enter information about your federal and state tax returns for the last 2 years. Check **Refund** if you received money or check **Amount Owed** if you owed additional taxes.

c. Real Estate

	Address	Name on Title	FMV	Balance Due
1.			\$	\$
2.			\$	\$
3.			\$	\$
4.			\$	\$

d. Motor Vehicles (*cars, boats, trailers, motorcycles, aircrafts, etc.*)

	Year, Make, and Model	Name on Title	FMV	Balance Due
1.			\$	\$
2.			\$	\$
3.			\$	\$
4.			\$	\$

e. Business Interests

	Name of Business	Type	% of Ownership	FMV
1.				\$
2.				\$
3.				\$

f. Life Insurance Policies

	Name of Insurance Company	Type of Policy	Death Benefit	Cash Value
1.			\$	\$
2.			\$	\$
3.			\$	\$

g. Retirement Benefits and Deferred Compensation (*pension plan, annuity, IRA, 401(k), 403(b), SEP*)

	Name of Plan	Type of Plan	FMV or Account Balance
1.			\$
2.			\$
3.			\$
4.			\$

h. Income Tax Refunds or Amounts Owed for the Last 2 Years (*federal and state*)

	Tax year	Federal: <input type="checkbox"/> Refund <input type="checkbox"/> Amount Owed	State: <input type="checkbox"/> Refund <input type="checkbox"/> Amount Owed
1.		\$	\$
2.		\$	\$

In 16i, enter information about lawsuits and claims you filed or intend to file. If you did not recover anything, enter \$0, or if your case is still pending or has not yet been filed, enter unknown.

In 16j, enter information for valuable collectible items.

In 16k, enter information for assets or property you transferred or sold in the last 2 years with a FMV of at least \$1,000. Do not include income items listed above in 11.

In 17a-i, enter information about health insurance you have for yourself and your family.

In 17b, enter all carriers if more than one.

In 18, if you need more room to complete this form check yes, and complete and attach the *Additional Information for the Financial Affidavit* form.

i. **Lawsuits and Claims** (*workers' compensation, disability, etc.*)

	Case Number	Date Lawsuit or Claim Filed	Amount Recovered
1.			\$
2.			\$

j. **Valuable Collectibles** (*coins, stamps, art, antiques, etc.*)

	Description	FMV
1.		\$
2.		\$

k. **Transfer or Sale of Assets or Property Within the Last 2 Years With a FMV of at Least \$1,000**

	Description	Transferred or Sold to	Date of Transfer	Amount
1.				\$
2.				\$

17. Health insurance:

- a. I have health insurance: Yes No
- b. The insurance carrier is: _____
- c. The type of insurance is: Medical Dental Optical
- d. Deductible: Per individual: \$ _____ Per family \$ _____
- e. It covers: Me My spouse/partner My dependents
- f. Type of policy: HMO PPO Full indemnity
- g. Provided by: Employer Private policy Other group
- h. Monthly cost is paid by: Employer Employee Other
- i. Total monthly cost : \$ _____

18. There is an *Additional Information for the Financial Affidavit* form attached:

- Yes No

IMPORTANT: If you intentionally or recklessly enter inaccurate or misleading information on this form, you may face significant penalties and sanctions, including costs and attorney's fees.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Financial Affidavit* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

After you finish this form, sign and print your name and date it.

Your Signature

Your Name

Date

