**What are the Basic Steps for a Divorce in Illinois? – 800-1,000 words**

Divorce is a complicated situation to deal with, legally and emotionally. The legal system is complex. In this article, we hope to break it down into more manageable steps for anyone who is considering getting divorced in Illinois.

Illinois has a fault divorce and a no-fault divorce. To file for a fault divorce, you will have to show evidence that your spouse engaged in spousal abuse, excessive drug use, or adultery as the reason for the divorce. In a no-fault divorce, one or both spouses decide that they just can’t get along anymore (irreconcilable differences). The couple must also show that they have lived separate and apart for more than two years. If both parties agree in writing, the court will reduce the required period of separation to 6 months.

**Step 1: Deciding to get divorced**

The first step in any divorce is making the tough decision to end your marriage. For some people, this might be the hardest step, and for others, it might be the easiest.

**Step 2: Determining if you can get divorced in the state of Illinois**

Once you have decided to get divorced, you need to figure out what state you have to file in. Illinois has a residency requirement, meaning either you or your spouse must have lived in Illinois for the past 90 days before you will be allowed to file for divorce. If neither of you is a resident of Illinois, you will need to do some more research to determine which state you have to file in.

**Step 3: Choose a lawyer/law firm**.

This is one of the most critical steps. You need someone who will listen to you and fight for you. You need someone who can walk you through the intricacies of the court system.

**Step 4: Filing the petition for dissolution of marriage with the court**

Once you’ve determined which lawyer or law firm will represent you throughout your divorce proceedings, you need to file the Petition for Dissolution of Marriage. If you need more details about the petition, here is an [example](http://www.cookcountycourt.org/Portals/0/Domestic%20Relations%20Division/Forms/10.1%20Petition%20for%20Dissolution%20of%20Marriage%20eff%201.1.16%20%28%202nd%20edited%29.pdf).

**Step 5: Serving your spouse with the Petition for Dissolution of Marriage and the Summons for them to appear and answer the petition**

Once you properly file the Petition for Dissolution of Marriage, you will need to serve it to your spouse. You will also have to serve your spouse with a summons for them to appear and answer the petition. The usual course of action is to pay the County Sherriff a fee to serve it. If you don’t want to do that, you can ask the court for permission to serve it yourself via a private process server.

**Step 6: Litigation, discovery, and temporary orders**

Once you serve your spouse with the petition, they will have an opportunity to respond to it. Ideally, your spouse will agree to the divorce and will want to move forward amicably.

If you cannot come to an agreement about the divorce, assets that need to be divided, custody, or other issues, you will have to proceed as if the case is going to trial. In this stage, you and your attorney will need to start preparing for trial. This includes providing financial information and other basic information for the proceedings. You will also begin asking your spouse questions and asking them for documents. This is called discovery, and it can be confusing and time-consuming. An experienced attorney should handle this phase.

This is also when you and your spouse will ask the court for temporary relief, if necessary. This might be a temporary custody agreement or temporary child support until the parties can reach a final agreement.

Even if you get to this stage, it’s still possible that you will be able to come to an agreement further down the road without going to trial.

**Step 7: Pretrial**

In this phase, the judge tries to help the parties reach an agreement without going to trial. Usually, the attorneys and the judge will meet without the parties. The judge will then give their recommendation of how to resolve the divorce without going to trial.

**Step 8: Trial**

The last step in the divorce process is going to trial, if necessary. At trial, the judge will hear from witnesses and will examine all evidence presented by the attorneys. The judge will then make decisions for the parties, including decisions about finances, custody of children, and other important points of contention.

It’s always easier, less stressful, and less time-consuming to get divorced if both parties agree. Unfortunately, this isn’t always the case. Regardless of the circumstances, you should always retain legal representation to help you with divorce proceedings.

Peskind Law Firm is a family and divorce law firm based out of St. Charles, Illinois. We also serve cities throughout the Chicagoland area, including Wheaton, Geneva, Batavia, Elgin, Aurora, Naperville, Lombard, Hinsdale, and surrounding areas. While we primarily work in Kane and DuPage Counties, we selectively handle cases in other parts of the state as well. By employing a team approach and by utilizing well-established internal procedures, Peskind Law Firm is well-positioned to help our clients address the multitude of issues that arise in family law cases. If you need help navigating a divorce, please don’t hesitate to reach out. We are here for you and will make this process as painless as possible.