

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

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary.

What is a *Financial Affidavit*?

It provides financial information and documents to the other party and the judge.

The *Financial Affidavit* must be supported by documents:

- most recent income tax returns
- most recent pay stubs or other proof of income
- most recent bank statements
- others that support your statements about your income, expenses, debts, and assets
- **Note:** If your contact information is protected because of a domestic violence or abuse court order, you can remove that information from the financial documents you provide.

Who must fill out a *Financial Affidavit*?

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

Where can I find the forms I need?

You can find the forms at:

illinoiscourts.gov/documents-and-forms/approved-forms/

How do I fill out the *Financial Affidavit*?

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

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.

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

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

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

Weekly (52 times per year):

$$\text{\$} \boxed{} \times 52 = \text{\$} \boxed{} \div 12 = \text{\$} \boxed{} \text{ per month}$$

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

$$\text{\$} \boxed{} \times 26 = \text{\$} \boxed{} \div 12 = \text{\$} \boxed{} \text{ per month}$$

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

$$\text{\$} \boxed{} \times 24 = \text{\$} \boxed{} \div 12 = \text{\$} \boxed{} \text{ per month}$$

Quarterly (4 times per year):

$$\text{\$} \boxed{} \times 4 = \text{\$} \boxed{} \div 12 = \text{\$} \boxed{} \text{ per month}$$

How to determine fair market value (FMV)?

FMV is generally defined as a 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, getting the item appraised, or by using a third-party website like Zillow.com for real estate or Kelley Blue Book for automobiles. Attach any documents you have that verify FMV.

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.

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

- 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.
- 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: illinoiscourts.gov/documents-and-forms/approved-forms/
- File the *Proof of Delivery* with the Circuit Clerk.
- Do not file your *Financial Affidavit* with the Circuit Clerk unless a local rule or court order requires you to do so.