

# 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](http://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):

$$\text{\$} \boxed{\phantom{000}} \times 52 = \text{\$} \boxed{\phantom{000}} \div 12 = \text{\$} \boxed{\phantom{000}} \text{ per month}$$

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

$$\text{\$} \boxed{\phantom{000}} \times 26 = \text{\$} \boxed{\phantom{000}} \div 12 = \text{\$} \boxed{\phantom{000}} \text{ per month}$$

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

$$\text{\$} \boxed{\phantom{000}} \times 24 = \text{\$} \boxed{\phantom{000}} \div 12 = \text{\$} \boxed{\phantom{000}} \text{ per month}$$

Quarterly (4 times per year):

$$\text{\$} \boxed{\phantom{000}} \times 4 = \text{\$} \boxed{\phantom{000}} \div 12 = \text{\$} \boxed{\phantom{000}} \text{ per month}$$

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