

INFORMATION AND INSTRUCTIONS FOR JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

INFORMATION AND INSTRUCTIONS PROVIDED BY THE CIRCUIT CLERKS OF THE NINTH JUDICIAL CIRCUIT OF ILLINOIS

(Counties of Fulton, Hancock, Henderson, Knox, McDonough, and Warren)

GENERAL INFORMATION CONCERNING JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

A dissolution of marriage (commonly referred to as a divorce) is a serious legal step which should not be taken without considerable thought. If you are considering such a proceeding, you should note the following:

- ə Both you and your spouse must jointly fill out these forms and sign these forms. Both of you must appear in Court together at the hearing on the Joint Petition for Simplified Dissolution of Marriage.
- ə It is in the best interests of each of the parties to consult attorneys regarding the dissolution of their marriage and that the service of attorneys may be obtained.
- ə The parties should not rely exclusively on these instructions, and these instructions are intended only as a general guide for self-representation.
- ə Marriage counseling services are available in the community. Your local Circuit Clerk can provide a list of the services available.
- ə If the parties waive their rights to maintenance (alimony), neither party can in the future obtain maintenance from the other.
- ə A judgment of dissolution of marriage permanently adjudicates all financial rights arising out of your marriage, including the right to property in the name of one=s spouse and the right to support from one=s spouse (maintenance or alimony), that a judgment is final, and the parties waive their right to appeal, except that neither party is barred from instituting an action to set aside a final judgment for fraud, duress, accident, mistake, or other grounds at law or in equity.
- ə The parties to the marriage remain married persons and cannot remarry until a judgment dissolving the marriage is entered and signed by a judge.

WHO MAY USE THE JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE PROCEDURE?

To use the Joint Simplified Dissolution of Marriage procedure, the following facts must apply to you and your spouse:

- ə Irreconcilable differences have caused the irretrievable breakdown of your marriage. All efforts at reconciliation of the differences have failed, and future attempts at reconciliation would not be in the best interest of you and your spouse.
- ə You must have been married less than eight years, and either you or your spouse (or both) must have lived in the State of Illinois for at least 90 days immediately prior to filing for the dissolution.
- ə No children were born to or adopted by you and your spouse during your relationship and the wife is not now pregnant.
- ə You and your spouse's annual joint gross income from all sources must be less than \$60,000. Neither you nor your spouse may individually have a gross annual income in excess of \$30,000. The total value of marital property you and your spouse own, less any encumbrances (amount owed on the property, such as the amount owed on a car loan), must be less than \$50,000. Neither you nor your spouse may own any real estate.
- ə You and your spouse each must be willing to permanently give up any right to maintenance (alimony).
- ə You and your spouse must have disclosed to each other all assets each of you have and disclosed all tax returns filed during your marriage.
- ə You and your spouse must sign a written agreement dividing between yourselves all marital assets worth more than \$100 and dividing responsibility for all debts and liabilities. You must divide the property and sign and exchange all documents (such as automobile titles, etc.) necessary to carry out the agreement **before any court hearing**.
- ə You and your spouse must waive any right you may have to a bifurcated hearing on your dissolution petition (a hearing held in two parts, one to decide the issues related to granting the dissolution and another to decide any property or other issues).

INSTRUCTIONS FOR COMPLETING THE FORMS

There are three forms which must be completed before obtaining a joint simplified dissolution of marriage. These forms have been drafted to be as easy to complete as possible.

- Forms:**
1. Joint Petition for Simplified Dissolution of Marriage
 2. Joint Simplified Agreement as to Assets and Debts
 3. Judgment for Dissolution of Marriage

For all three forms, you should neatly print the information in ink. Fill out all forms completely. Your Circuit Clerk will insert the number (ANo.®) on these forms. Even though this is a AJoint® petition, one of the parties must be designated as APetitioner® and the other must be designated as a ARespondent®. Traditionally, the party seeking the dissolution is the petitioner. All forms should be signed by both parties.

The AJudgment for Dissolution of Marriage® should be completed and signed by both parties (below the words AApproved as to Form and Content®) before your hearing. The judge will complete the AEntered® line and sign the Judgment if the dissolution is granted.

Check with your local Circuit Clerk to learn the amount of court filing fees. **NORMALLY NO PERSONAL CHECKS WILL BE ACCEPTED BY THE CLERK.**

If the wife wishes to return to her maiden or former name, you should complete paragraphs 11 and C of the PETITION as well as paragraphs 9 and D of the JUDGMENT.

In addition to these three forms, the Circuit Clerk will give you a **Certificate of Dissolution of Marriage** which you must complete on or before the date of your court hearing.

Your Day in Court

1. **Both husband and wife must appear at the hearing.** Your case will be heard by a judge.
2. Dress as though you were going to an important job interview. Shorts, bare feet, tank tops, halter tops, sandals, hats, and other very casual clothing are not acceptable.
3. Always arrive at court on time. If you are late and miss your court time, you will have to re-schedule a new court hearing date and time.

Other than providing these forms, the Circuit Clerks are prohibited by law from giving any legal advice.