

INSTRUCTIONS FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

There are 5 forms that must be completed before filing for a joint Simplified Dissolution of Marriage. All of these forms have been drafted to be self-explanatory and as easy to complete as possible. These forms are available from the DeKalb County Circuit Clerk's Office located on the 2nd floor of the Courthouse at 133 West. State Street, Sycamore, Illinois:

1. **New Case Information Sheet**
2. **Joint Petition for Simplified Dissolution of Marriage**
3. **Affidavit in Support of Joint Simplified Dissolution of Marriage**
4. **Agreement for the Division of Assets and Assumption of Liabilities/Debts**
5. **Judgment for Dissolution of Marriage**

With all 5 forms, you must either type or neatly print the information in ink. Fill out all forms completely. Two forms – the Joint Petition for Simplified Dissolution of Marriage and Affidavit in Support of Joint Simplified Dissolution of Marriage must be signed in the presence of a Notary Public or a Deputy Circuit Clerk. The form for the Judgment for Dissolution of Marriage should be completed and signed by both parties (bottom of form) before the hearing. The judge will sign and date the form at the time of the hearing if a Judgment for Dissolution of Marriage is granted.

When you have completed all the forms, your case may be filed with the DeKalb County Circuit Clerk's Office. Submit your forms with the filing fee of \$175.00 to the Circuit Clerk's Office. In addition, the Clerk will give you a form from the State of Illinois, Bureau of Vital Statistics, which both parties must complete. This form will be sent to the State of Illinois by the Circuit Clerk's Office if your Dissolution of Marriage is granted.

Once your case is filed and the fee paid, the Clerk will provide you with a copy of the Petition, the Affidavit and the Agreement for the Division of Assets and Liabilities/Debts and advise you of the date, time and courtroom for your Dissolution hearing. On the hearing date, and at the set time, both parties must appear. When your case is called, approach the judge and be prepared to identify yourself to the judge. At the conclusion of the hearing, if the Dissolution is granted, the judge will sign the Judgment for Dissolution of Marriage. The Clerk will stamp the Judgment and provide the parties with a copy. This concludes your Dissolution proceeding.

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

Circuit Court of DeKalb County

JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

INFORMATION AND INSTRUCTIONS

***Provided by MAUREEN A. JOSH
Clerk of the Circuit Court
DeKalb County
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This brochure is being provided to you along with the necessary forms for filing a joint simplified petition for dissolution of marriage. This type of dissolution procedure is not available to everyone - there are limitations on, among other items, the length of the marriage, the amount of property owned and income of the parties. You should read this brochure carefully to see if this procedure is available to you. This brochure also includes general information on dissolution of marriages and instruction for completing the forms.

General Information Concerning Dissolution of Marriages

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

- It is in your best interest to consult an attorney regarding the dissolution of your marriage. A lawyer can provide information about your rights and the ramifications of obtaining a divorce.
- You should not rely exclusively on this brochure. This brochure is intended only as a guide for self-representation. It does not tell you of all of your rights and responsibilities.
- If you use this joint simplified proceeding you will lose any right you may have to maintenance (commonly known as alimony). Once you lose the right to maintenance in legal proceeding, you can never again obtain maintenance from you former husband or wife.
- **A judgment of dissolution of marriage (divorce) permanently settles all financial rights arising out of your marriage, including the right to property held in the same name of your husband or wife and the right to support from your husband or wife (maintenance commonly known as alimony). A judgment entered in a dissolution proceeding is final. You will have no right to appeal. Such a judgment may only be set aside on grounds of fraud, duress, accident, mistake, or other grounds at law or in equity.**
- You and your spouse remain married and cannot remarry until the judge signs the judgment order dissolving your marriage.
- A Filing Fee of \$175.00 must be paid to the DeKalb County Circuit Clerk.
- Mediation and marriage counseling services are available for parties. A list of approved mediators and marriage counselors is available from the Circuit Clerk's office.

Who may use the Joint Simplified Dissolution of Marriage Procedure?

To use the Joint Simplified Dissolution of Marriage Procedure, all of the following must apply to you and your spouse.

- Both you and your spouse must file for a Dissolution of Marriage (Divorce) together.
- Irreconcilable differences have caused the irretrievable breakdown of your marriage. All efforts at reconciliation would not be in the best interest of you and your spouse.
- You and your spouse must have lived separate and apart for at least six months and you must be willing to waive the requirement for a two-year separation before obtaining dissolution on the grounds of irreconcilable differences.
- No children were born to or adopted by you and your spouse during your relationship and the wife is not now pregnant by the husband.
- Neither party may have a gross annual income of more than \$20,000, and the total annual income of both parties from all sources must be less than \$35,000.00.
- 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 \$10,000.00. Neither you nor your spouse may own any real estate.
- Neither spouse is dependant on the other spouse for financial support and you and your spouse each must be willing to permanently give up any right to financial support in the future which is called maintenance (commonly known as alimony).
- You and your spouse must have disclosed to each other all assets each of you have, and disclose all tax returns filed during your marriage.
- You and your spouse must sign a written agreement dividing between yourselves all marital assets worth more than \$100.00 and dividing responsibility for all debts and liabilities. You must divide the property and sign and exchange all documents (such as automobiles titles, etc.) necessary to carry out the agreement before any court hearing.
- 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).
- You must have been married less than eight (8) years and either you or your spouse (or both) must have lived in the State of Illinois for at least ninety (90) days immediately prior to filing for the dissolution.