

JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

INFORMATION AND INSTRUCTIONS

PROVIDED BY THE KANE COUNTY CIRCUIT CLERK
REVIEWED AND EDITED BY KANE COUNTY BAR ASSOCIATION

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 dissolutions of marriages and instructions for completing the forms.

General Information Concerning Dissolution of Marriages

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:

- = It is in the best interests of each of the parties to consult attorneys regarding the dissolution of their marriage. The services of attorneys may be obtained and may help you to determine your eligibility for spousal support.
- = You should not rely exclusively on this brochure. This brochure is intended only as a guide for self-representation.
- = Marriage counseling services are available to you in your community.
- = 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 a legal proceeding, you can never again obtain maintenance from your former spouse.
- = **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 name of your spouse and the right of support from your spouse. 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 or law or in equity.**
- = You and your spouse remain married and can not remarry until a judgment dissolving your marriage is signed by the Judge.

Who May Use the Joint Simplified Dissolution of Marriage Procedure?

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

- = 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.
- = 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.
- = No children were born to or adopted by you or your spouse during your relationship and the wife is not now pregnant.
- = Your combined annual gross income from all sources must be less than \$60,000.00 and neither of you may have a gross annual income from all sources in excess of \$30,000.00. The total value of marital property you and your spouse own, less encumbrances (amount owed on property such as the amount owed on a car loan), must be less than \$50,000.00. Neither you nor your spouse may own any real estate or have any retirement benefits, except for individual retirement accounts (IRA's) with a combined value of less than \$10,000.

JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE INFORMATION AND INSTRUCTIONS continued

- = You and your spouse each must be willing to permanently give up any right to maintenance (alimony).
- = 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.
- = 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 automobile titles, etc.) necessary to carry out the agreement before any court hearing.

INSTRUCTIONS FOR COMPLETING THE FORMS

There are three forms which must be completed for obtaining a joint simplified dissolution of marriage. All of these forms have been drafted to be self-explanatory and as easy to complete as possible.

Forms: Joint Petition for Simplified Dissolution of Marriage

Agreement as to Assets and Debts

Judgment for Dissolution of Marriage

With all three forms, you should either type the necessary information or neatly print the information in black ink. Fill out all forms completely. Your Circuit Clerk will give you the case number for the Petition, Agreement, and Judgment. Even though this is a "Joint" petition, one of the parties must be designated as a "Plaintiff" and the other must be designated as a "Defendant". Traditionally, the Party seeking the dissolution is the Plaintiff.

The "Joint Petition for Simplified Dissolution of Marriage" and the "Agreement as to Assets and Debt", must be signed in front of a Notary Public. You should file a copy of your written agreement dividing marital assets, debts and liabilities at the time you file the petition.

The "Judgment of Dissolution of Marriage" need not be signed in front of a Notary, but should be completed and signed by both parties (below the words "Approved as to Form and Content") before your hearing. The Judge will complete the "Entered" line and sign the Judgment if the dissolution is granted.

If the wife wishes to return to her maiden or former name, you should complete paragraphs 11 and C of the Petition and 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.

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