

# **JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE**

- **Filing fee is \$316.00**
- **Once a case number has been assigned, the respondent will file an Entry of Appearance and pay the filing fee of \$189.00.**
- **Both parties must be present with the completed paper work at the Circuit Clerks Office, Family Division at 8:00am on Monday, Wednesday, Thursday or Friday. There are no uncontested hearings heard on Tuesdays.**
- **Paper work must be completed in black ink, signed and notarized.**

# **INFORMATION AND INSTRUCTIONS**

## **PROVIDED BY THE ST. CLAIR COUNTY CIRCUIT CLERKS OFFICE**

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 included general information on Dissolution of Marriages and instruction 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 interest of each of the parties to consult attorneys regarding the Dissolution of their Marriage. The services of attorneys may be obtained.
- You should not rely exclusively on this brochure. The 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 to support from your spouse. A judgment entered in a dissolution proceeding is FINAL. You will have no right to appeal. Such judgment may only be set aside on ground of fraud, duress accident, mistake, and other grounds at law or in equity.
- You and your spouse remain married and CANNOT remarry until a judgment dissolving your marriage is signed by the Judge.

## **WHO MAY USE THE JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE?**

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

- Irreconcilable differences cause 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 of dissolution.
- No children were born to or adopted by you and your spouse during your relationship and the wife is not now pregnant.
- Your joint annual, gross income from all sources must be less than \$60,000 but neither party may 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 to the property, such as the amount owed on a car loan), must be less than \$10,000.
- You and your spouse each must be willing to permanently give up any right to maintenance (alimony).
- You and your spouse each 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 then sign and exchange all documents (such as automobile titles, etc) necessary to carry out the agreement before the 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 the other to decide any property or other issues).

# **INSTRUCTIONS FOR COMPLETING THE FORMS**

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

FORMS:                    Joint Affidavit Regarding Separation of the Parties, Division of Property and Waiver of Bifurcated Hearing

                              Joint Petition for Simplified Dissolution of Marriage

                              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 insert the number (“No.”) on the Affidavit, Petition and Judgment. Even though this is a “Joint” Petition, one of the parties **MUST** be designated as a “Petitioner” and the other **MUST** be designated as a “Respondent”. Traditionally the party seeking the dissolution is the Petitioner.

The “Joint Petition for Simplified Dissolution of Marriage” and the “Joint Affidavit Regarding Separation of the Parties, Division of Property and Waiver of Bifurcated Hearing” 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 11 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.

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

**IN THE CIRCUIT COURT OF THE 20<sup>th</sup> JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

**IN RE THE MARRIAGE OF:**

\_\_\_\_\_  
**PETITIONER**

**Vs.**

\_\_\_\_\_  
**RESPONDENT**

**Case No.** \_\_\_\_\_

**JOINT PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE**

Now comes Petitioners, \_\_\_\_\_, without counsel, and Respondent, \_\_\_\_\_,  
(Type or Print Petitioners Name) (Type or Print Respondents Name)

without counsel, and hereby petition this Honorable Court for a dissolution of Marriage between Petitioner and Respondent.

In Support of this petition for dissolution of marriage, the parties state as follows:

1. The Petitioners is presently \_\_\_\_\_ years of age; Petitioner's occupation is \_\_\_\_\_;  
Petitioners resides at the address of \_\_\_\_\_, \_\_\_\_\_, State of \_\_\_\_\_; and  
\_\_\_\_ has \_\_\_\_ has not resided in the State of Illinois for at least ninety (90) days immediately preceding the filing of  
(check one)  
this Petition for Dissolution of Marriage.
2. The Respondent is presently \_\_\_\_\_ years of age: Respondent's occupation is \_\_\_\_\_; Respondent  
resides at the address of \_\_\_\_\_, \_\_\_\_\_, State of \_\_\_\_\_; and  
\_\_\_\_ has \_\_\_\_ has not resided in the State of Illinois for at least ninety (90) days immediately preceding the filing  
(check one)  
of this Petition for Dissolution of Marriage.
3. The Petitioners and Respondent have been married for less than eight (8) years prior to the filing of this  
petition; they were married on \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and the marriage was registered in  
\_\_\_\_\_ County, State of \_\_\_\_\_.
4. No children were born to the Petitioner and Respondent during their relationship: no children adopted  
by the parties; and \_\_\_\_\_, to her knowledge, is not pregnant.  
(Type or Print Wife 's Name)
5. The parties have lived separate and apart for a continuous period in excess of six (6) months and irreconcilable  
differences have caused the irretrievable breakdown of their marriage; efforts at reconciliation have failed and future  
attempts at reconciliation would be impracticable and not in the best interest of the parties. The parties have signed an  
affidavit waiving the requirement for a continuous period living separate and apart in excess for two (2) years. The  
parties have lived separate and apart since the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

6. Neither party is dependent on the other party for spousal support (also known as alimony or maintenance), or each party is willing to waive the right to spousal support. Both parties understand that consulting with attorneys may help determine eligibility for spousal support. Both Petitioner and Respondent waive any rights to maintenance.
7. Neither Petitioner nor Respondent has any interest in real property (real estate).
8. The parties have disclosed to each other all assets and their tax returns for all years of marriage.
9. Neither party has a gross annualized income in excess of \$20,000; the Petitioner's gross annual income from all sources is \$\_\_\_\_\_; the Respondent's gross annual income from all sources is \$\_\_\_\_\_; and the total annual income of the parties is less than \$35,000.00.
10. The total fair market value of all marital property, after deducting all encumbrances, is less than \$10,000.00 and the parties have executed a written agreement dividing all assets in excess of \$100.00 in value and allocating responsibility for debts and liabilities between the parties. A copy of the written agreement, signed by both parties, is filed with this petition.
11. (Optional) \_\_\_\_\_'s former/maiden name was \_\_\_\_\_.  
(Wife's Current Name) (Wife's Former or Maiden Name)

**WHEREFORE, the parties pray as follows:**

- A. That the parties be awarded a Judgment of Dissolution of Marriage dissolving the bonds of matrimony existing between them.
- B. That the written agreement of the parties dividing marital assets, debts and liabilities, a copy of which filed with this petition, be incorporated into the final order and judgment of this Court granting the petition for dissolution of marriage.
- C. **(OPTIONAL)** That \_\_\_\_\_ be restored to her former/ maiden name, \_\_\_\_\_.  
(Wife's Current Name) (Wife's Former or Maiden Name)
- D. That this Court grant the parties such other and further relief as may be just.

\_\_\_\_\_  
PETITIONER'S SIGNATURE

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT'S SIGNATURE

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**VERIFICATION**

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, Petitioner, being first duly sworn upon oath, depose and say  
(Type or Print Petitioner's Name)  
that I have read the foregoing Joint Petition for Simplified Dissolution of Marriage, understand  
contents thereof, and believe the same to be true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
**PETITIONER'S SIGNATURE**

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**(SEAL)**

\_\_\_\_\_  
**NOTARY PUBLIC**

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STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_, Respondent, being first duly sworn upon oath, depose and say  
(Type or Print Respondent's Name)  
that I have read the foregoing Joint Petition for Simplified Dissolution of Marriage, understand  
contents thereof, and believe the same to be true and correct to the best of my knowledge and belief.

\_\_\_\_\_  
**RESPONDENT'S SIGNATURE**

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**(SEAL)**

\_\_\_\_\_  
**NOTARY PUBLIC**





## MARITAL DEBTS and LIABILITIES

<b>Description of Debt or Liability</b>	<b>Amount</b>	<b>Account Number</b>	<b>Party to Pay Debt</b>
(List all Marital Debts and Liabilities)	(List total balance due)	(List Account Number Where applicable)	(Enter name of Party (husband or wife) who will be responsible for paying the Debt or Liability)
1.	\$		
2.	\$		
3.	\$		
4.	\$		
5.	\$		
6.	\$		
7.	\$		
8.	\$		
9.	\$		
10.	\$		
11.	\$		
12.	\$		
13.	\$		
14.	\$		
15.	\$		

\_\_\_\_\_  
**Petitioner's Signature**  
**Address:** \_\_\_\_\_  
 \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

\_\_\_\_\_  
**Respondent's Signature**  
**Address:** \_\_\_\_\_  
 \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_  
**Email Address:** \_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_  
 Day of \_\_\_\_\_, 20\_\_\_\_.

Subscribed and Sworn to before me this \_\_\_\_\_  
 Day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

\_\_\_\_\_  
**Notary Public**

(Seal)

(Seal)

**IN THE CIRCUIT COURT OF THE 20<sup>TH</sup> JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS**

**IN RE THE MARRIAGE OF:**

	)	
	)	
(Type or Print Petitioners Name)	)	
Petitioner	)	
	)	
Vs.	)	Case No. _____
	)	
	)	
	)	
	)	
(Type or Print Respondents Name)	)	
Respondent	)	

**JUDGMENT FOR DISSOLUTION OF MARRIAGE**

This cause having come on for hearing on the Joint Petition for Simplified Dissolution of Marriage filed by the parties hereto; the Court having examined and considered the Petition, the Affidavit of the parties and all other pleadings and exhibits filed in this matter; the court having heard the testimony presented herein; and the Court being otherwise fully advised in the premises, finds as follows:

1. This Court has jurisdiction over the subject matter and the parties hereto.
2. \_\_\_\_\_ and/or \_\_\_\_\_ now, and for ninety (90) days continuously.  
(Type or Print Petitioner's Name and/or Respondent's name, or Both Names)  
and immediately preceding this date, have been residents of the State of Illinois.
3. The parties have been married for less than eight (8) years prior to the filing of this petition; the parties married on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and the marriage was registered in \_\_\_\_\_ County, \_\_\_\_\_.  
(State)
4. The parties have lived separate and apart for a continuous period of six (6) months; irreconcilable differences have caused the irretrievable breakdown of the marriage; efforts and reconciliation have failed; and, further efforts at reconciliation would not be in the best interest of the parties.
5. The parties have each signed an affidavit waiving the requirement for a continuous period of living separate and apart in excess of two (2) years.
6. The parties have each signed a waiver of any right to a bifurcated hearing in this cause.
7. No children were born to or adopted by the parties during their relationship and to the best of her knowledge \_\_\_\_\_ is not pregnant at this time.  
(Wife's Name)
8. Both the Petitioner and Respondent have waived any right to maintenance.
9. Neither Petitioner nor Respondent has any interest in real property. The parties have disclosed to each other all assets and their tax returns for all years of their marriage. Neither party has a gross annualized income in excess of \$20,000 and the total annualized income of the parties is less than \$35,000.

10. The total fair market value of all marital property owned by the parties, after deducting all encumbrances, is less than \$10,000.00. The parties have executed a written agreement, which the Court finds in no unconscionable, dividing all assets in excess of \$100.00 in value and allocating responsibility for all debts and liabilities between the parties. A copy of the written agreement, signed by both parties, was filed with the petition in this cause and is hereby incorporated by references as if fully set forth herein.
11. (Optional) \_\_\_\_\_'s former/maiden name was \_\_\_\_\_.  
(Wife's Current Name) (Wife's Maiden OR Former Name)

**WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:**

- A. The present marriage between the parties is hereby dissolved, and Petitioner and Respondent are each hereby awarded a Judgment of Dissolution of Marriage dissolving their present bonds of matrimony.
- B. This Court adopts as a part of this Judgment, as if it were fully set forth herein, the agreement of the parties concerning the distribution of assets, debts and liabilities. Petitioner and Respondent each hereby ordered to dispose of all claims each may have against the order, and to dispose of all assets, debts and liabilities in accordance with and pursuant to the agreement entered into by the parties and presented to this Court. Petitioner and Respondent are each ordered to timely execute any and all titles, certificate and other documents of any kind or nature whatsoever, necessary to carry out the terms and condition of this Judgment of Dissolution of Marriage as to the division of assets, debts and liabilities ordered herein.
- C. Each of the parties is hereby denied maintenance for now and for all time hereafter.
- D. (Optional) \_\_\_\_\_ is hereby restored to her former/maiden name, \_\_\_\_\_.  
(Wife's Current Name) (Wife's Former or Maiden Name)
- E. Expected for the provisions contained in this Judgment of Dissolution of Marriage, each of the parties hereby barred and foreclosed from making any and all claims against the other whether for alimony or maintenance, homestead rights, dower rights, rights of inheritance or any and all other property rights, whether real, personal or mixed, which either of them may now have or may hereafter arising out of the marital relationship heretofore existing between them.
- F. This Court retains jurisdiction of this cause for the purpose of enforcing the provisions of this Judgment of Dissolution of Marriage.

ENTERED: \_\_\_\_\_

\_\_\_\_\_  
**JUDGE**

**APPROVED AS TO FORM AND CONTENT:**

\_\_\_\_\_  
**PETITIONER'S SIGNATURE**

\_\_\_\_\_  
**RESPONDENT'S SIGNATURE**