

JOINT SIMPLIFIED

DISSOLUTION

OF MARRIAGE

INFORMATION AND INSTRUCTIONS

**PROVIDED BY THE
RANDOLPH COUNTY CIRCUIT CLERK**

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

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 Dissolutions 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.
- ✓ 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 to 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 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 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 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 a dissolution on the grounds of irreconcilable differences.
- ✓ 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 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 \$35,000. 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 \$10,000. Neither you nor your spouse may own any real estate.
- ✓ 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.
- ✓ 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 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 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 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 “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 “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.

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 a spousal support. Both Plaintiff and Defendant waive any rights to maintenance.
7. Neither Plaintiff nor Defendant 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 the marriage.
9. Plaintiff's gross annual income from all sources is \$ _____, and Defendant'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 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
 (Type or Print Wife's Name)

 (Type or Print Wife's Maiden OR Former 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 is 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,
 (Type or Print Wife's Name)

 (Type or Print Wife's Maiden OR Former Name)
- D. That this Court grant the parties such other and further relief as may be just.

 Plaintiff (Plaintiff's Signature)

 Defendant (Defendant's Signature)

**IN THE CIRCUIT COURT OF THE 20TH JUDICIAL CIRCUIT
RANDOLPH COUNTY, ILLINOIS**

IN RE THE MARRIAGE OF:

_____)							
(Type or Print Plaintiff's Name)	Plaintiff;)							
)							
	vs.)							NO.
)							
)							
_____)							
(Type or Print Defendant's Name)	Defendant.)							

AGREEMENT AS TO ASSETS AND DEBTS

Now come _____, Plaintiff, and _____,
(Print or Type Plaintiff's Name) (Print or Type Defendant's Name)
 Defendant, and hereby agree to the following distribution of all marital assets in excess of One Hundred Dollars (\$100.00) in value and the following division of all marital debts and liabilities.

Marital Assets

<u>Description of Asset and Estimated Value</u> <small>(List all marital assets in excess of One Hundred Dollars (\$100.00) in value—assets of lower value may be listed)</small>	<u>Party to Receive Asset</u> <small>(Enter name of Party (Husband or Wife) who will receive the asset)</small>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

Marital Debts and Liabilities

<u>Description of Debt or Liability</u> (List all Marital Debts and Liabilities)	<u>Amount</u> (List Total Balance Due)	<u>Account Number</u> (List Account Number Where Applicable)	<u>Party to Pay Debt</u> (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. _____	_____	_____	_____

Plaintiff's Signature

Defendant's Signature

Subscribed and Sworn to before me this _____ day of _____, 20____.

Subscribed and Sworn to before this _____ day of _____, 20____.

Notary Public

Notary Public

(Seal)

(Seal)

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT

RANDOLPH COUNTY, ILLINOIS

IN RE THE MARRIAGE OF:

_____)	
(Type or Print Plaintiff's Name) Plaintiff;)	
)	
vs.)	NO.
)	
_____)	
(Type or Print Defendant's Name) Defendant.)	

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
(Type or Print Plaintiff's Name and/or Defendant's Name, or Both Names)
ninety (90) days continuously 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 were married on _____, _____; and the marriage was registered in _____
(Month) (Day) (Year) (County)
County, _____.
(State)
4. The parties have lived separate and apart for a continuous period in excess of six (6) months; irreconcilable differences have caused the irretrievable breakdown of the marriage; efforts at reconciliation have failed; and, further efforts at reconciliation would not be in the best interests of the parties.
5. The parties have each signed an affidavit waiving the requirement for a continuous period 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.
(Type or Print Wife's Name)
8. Both the Plaintiff and Defendant have waived any right to maintenance.
9. Neither Plaintiff nor Defendant has any interest in real property. The parties have disclosed to each other all assets and their tax returns for all years of the marriage. The total annual income of the parties is less than \$35,000.00

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 is not 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 reference as if fully set forth herein.

11. (Optional) _____ 's former/maiden name was _____.
(Type or Print Wife's Name) (Type or Print Wife's Maiden Name OR Former Name)

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- A. The present marriage between the parties is hereby dissolved, and Plaintiff and Defendant 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. Plaintiff and Defendant each is hereby ordered to dispose of all claims each may have against the others, 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. Plaintiff and Defendant are each ordered to timely execute any and all titles, certificates 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 times hereafter.
- D. (Optional) _____ is hereby restored to her former/maiden name,

(Type or Print Wife's Name)
- E. Except for the provisions contained in this Judgment of Dissolution of Marriage, each of the parties is 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 acquire 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

Plaintiff (Plaintiff's Signature)

Defendant (Defendant's Signature)