

CIRCUIT COURT OF ILLINOIS

**Sixth Judicial Circuit
Champaign County**

**Joint Simplified
Dissolution of
Marriage**

**Information
and
Instructions**

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101 E. Main Street
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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 for everyone - there are limitations on, among other items, the length of marriage, the amount of property owned and the 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 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. Your Circuit Clerk can provide you with a list of the services available.
- 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 husband or wife.
- A Judgement 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 husband or wife and the right to support from your husband or wife. A Judgement entered in a dissolution proceeding is final. You will have no right to appeal. Such a Judgement may only be set aside on grounds of fraud, duress, accident, mistake, or other grounds at law or inequity.
- 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 \$35,000.00 (and neither is over \$20,000.00). 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.
- 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 might 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 four 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: **Affidavit in Support of Joint Petition for Simplified Dissolution of Marriage**

Joint Affidavit for Simplified Dissolution of Marriage Agreement as to Assets and Debts

Joint Petition for Simplified Dissolution of Marriage

Judgement for Simplified Dissolution of Marriage

With all four 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 case number (“No.”) on the Petition and Judgement.

The “**Joint Affidavit for Simplified Dissolution of Marriage Agreement as to Assets and Debts**” 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 “**Judgement for Simplified 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 and Agreed”) before your hearing. The Judge will complete the “Enter” line and sign the Judgement if the dissolution is granted.

If the wife wishes to return to her maiden or former name, you should complete section C. of the PETITION and section F. of the JUDGEMENT.

In addition to these four 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.



CIRCUIT COURT OF ILLINOIS

**Sixth Judicial Circuit
Champaign County**

REGARDING THE MARRIAGE OF:

Co-Petitioner

Case No: _____

and

Co-Petitioner

JOINT PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

The Co-Petitioners have read this Petition, and pursuant to law, certify that the information in this Joint Petition is true.

The Co-Petitioners State:

Marriage Date	City	County	State	Separation Date

Husband		
Name		
Residence Address	County	
City	State	Zip Code
Social Security Number	Birth Date	
Occupation	Age Now	
Residence in Illinois 90 Days Immediately Before Filing	Yes	
	No	
Length of Residence in Illinois	Months	Years

Wife		
Name		
Residence Address	County	
City	State	Zip Code
Social Security Number	Birth Date	
Occupation	Age Now	
Residence in Illinois 90 Days Immediately Before Filing	Yes	
	No	
Length of Residence in Illinois	Months	Years

2. The Co-Petitioners Further State:

- A. The duration of the marriage does not exceed 8 years.
- B. Irreconcilable differences have caused the irretrievable breakdown of the marriage and the parties have been separated 6 months or more. Efforts at reconciliation have failed or future efforts at reconciliation would be impracticable and not in the best interests of the family.
- C. No children were born of the relationship of the parties or adopted by the parties during the marriage, and the Wife, to her knowledge, is not pregnant by the Husband.
- D. Neither party is dependent on the other party for support or each party is willing to waive the right to support. Each party understands that prior consultation with an attorney may have helped to determine eligibility for spousal support.
- E. Each party waives any right to spousal support.
- F. Neither party has any interest in real estate.
- G. The total fair market value of all marital property, after deducting all debts owed, is less than \$10,000.
- H. Husband's gross annual income from all sources is \$ []. Wife's gross annual income from all sources is \$ []. The total annual income of both parties is less than \$35,000, and neither is over \$20,000.
- I. Both parties have disclosed to each other all assets and their tax returns for all years of the marriage.
- J. The parties have executed a written Agreement dividing all assets in excess of \$100 in value and allocating responsibility for debts and liabilities between themselves. A copy of the Agreement, signed by both parties, is filed with this Petition.

3. Wherefore, the parties seek a dissolution of their marriage, and ask that:

- A. Each party's right to spousal support be forever barred and terminated.
- B. 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 Joint Petition for Simplified Dissolution of Marriage.

C. (Optional) That the Wife be restored to her Maiden or former name:

(Type or print Wife's maiden OR former name)

Verification by Certification

Under penalties of perjury as provided by Law pursuant to Sec. 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct except as to matters herein to be on information and belief.

Dated this _____ day of _____, 20____.

Co-Petitioner's Signature

Co-Petitioner's Signature

CIRCUIT COURT OF ILLINOIS

**Sixth Judicial Circuit
Champaign County**

REGARDING THE MARRIAGE OF:

_____ Co-Petitioner

and

Case No: _____

_____ Co-Petitioner

**JOINT AGREEMENT AS TO ASSETS AND DEBTS FOR
SIMPLIFIED DISSOLUTION
OF MARRIAGE**

Co-Petitioners, _____ and _____,
Type or Print Co-Petitioner's Name Type or Print Co-Petitioner's Name

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

Description of Assets and Estimated Value

(List all marital assets in excess of one-hundred dollars (\$100.00) in value. Assets of lower value may be listed.)

Party to Receive Asset

(Enter name of Party (Husband or Wife) who will receive the asset)

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

Dated this _____ day of _____, 20____.

Co-Petitioner's Signature

Co-Petitioner's Signature

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

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

Clerk of the Circuit Court/Notary Public

Clerk of the Circuit Court/Notary Public

(Seal)

(Seal)

CIRCUIT COURT OF ILLINOIS

**Sixth Judicial Circuit
Champaign County**

REGARDING THE MARRIAGE OF:

Co-Petitioner

Case No: _____

and

Co-Petitioner

**JOINT AFFIDAVIT REGARDING SEPARATION OF THE PARTIES,
DIVISION OF PROPERTY AND DEBT AND WAIVER OF BIFURCATED HEARING**

Co-Petitioners, _____ and _____,
Type or Print Co-Petitioner's Name Type or Print Co-Petitioner's Name

being first sworn on their oaths, depose and state as follows:

1. That irreconcilable differences have caused the irretrievable breakdown of their marriage.
2. That all efforts at reconciliation of the differences between the parties have heretofore failed or future attempts at reconciliation would be impracticable and not in the best interests of the parties.
3. That the parties have lived separate and apart for a continuous period of more than six (6) months prior to the date of this Affidavit, having separated on or about _____ (Month) _____ (Day), _____ (Year) and having remained living separate for all times thereafter.
4. a. That each of the parties hereto expressly waive the requirement that the continuous period of living separate and apart be in excess of two (2) years in order for the Court to enter a Dissolution of Marriage based upon irreconcilable differences which have caused the irretrievable breakdown of their marriage; and,
b. Each of the parties further stipulates that the requirement shall be reduced to a period only in excess of six (6) months rather than in excess of two (2) years as provided by Section 401(a)(2) of the Illinois Marriage and Dissolution of Marriage Act.
5. That the marital property and debt belonging to the parties has been divided according to the terms of the written agreement of the parties filed with the Joint Petition for Simplified Dissolution of Marriage in this cause, and that the parties have executed all documents required to carry out the agreement.
6. That the parties waive any right either may have to a bifurcated hearing in this cause.
7. That each of the parties represents that their signing of this Affidavit is their individual, sole and voluntary act.
8. That each of the parties acknowledge that they have the right to consult with an attorney and either done so or have freely chosen not to do so.

Co-Petitioner's Signature

Co-Petitioner's Signature

CIRCUIT COURT OF ILLINOIS

**Sixth Judicial Circuit
Champaign County**

IN RE: THE MARRIAGE OF:

_____ Case No: _____
CO-PETITIONER
and
_____ CO-PETITIONER

JUDGMENT FOR SIMPLIFIED DISSOLUTION OF MARRIAGE

This cause was heard on the parties' Joint Petition for Simplified Dissolution of Marriage, both parties appearing in person. The Court, having jurisdiction of the parties and the subject matter and after examination of the Petition and the parties, FINDS the parties' marriage registration and marital circumstances are as follows:

MARRIAGE DATE	CITY	COUNTY	STATE	SEPARATION DATE

THE COURT FINDS:

- (a) One or both parties have met the residency requirement of Section 401 of the Illinois Marriage and Dissolution of Marriage Act.
- (b) At filing, the duration of the marriage did not exceed 8 years.
- (c) Irreconcilable differences have caused the irretrievable breakdown of the marriage and parties have been separated 6 months or more. Efforts at reconciliation have failed or future attempts at reconciliation would be impracticable and not in the best interests of the family.
- (d) No children were born of the relationship of the parties or adopted by the parties during the marriage, and the Wife, to her knowledge, is not pregnant by the Husband.
- (e) Neither party is dependent on the other party for support or each party is willing to waive the right to support. Each party understands that prior consultation with an attorney may have helped to determine eligibility for spousal support.
- (f) Each party has waived any rights to spousal support.
- (g) Neither party has any interest in real estate.
- (h) The total fair market value of all mutual property, after deducting all debts owed, is less than \$10,000. The total annual income of both parties from all sources is less than \$35,000, and neither is over \$20,000.
- (i) The parties have disclosed to each other all assets and tax returns for all years of the marriage.

- (j) The parties have executed a written Agreement dividing all assets in excess of \$100 in value and allocating responsibility for debts and liabilities between themselves. A copy of the Joint Agreement, filed with the Joint Petition, has been reviewed by the Court and is not unconscionable.

WHEREFORE, IT IS ORDERED:

- A. A Judgment of Dissolution of Marriage is awarded to the parties and the marriage existing between them is hereby dissolved.
- B. Spousal maintenance is terminated and forever barred.
- C. Each party shall earn income and own personal property in his/her own name, possession or control free and clear of any claims of the other.
- D. Each party shall be solely liable for any debts he/she may personally incur and neither shall be liable for any debt or liability incurred by the other.
- E. The written Agreement filed with the Joint Petition is incorporated into this Judgment.
- F. (OPTIONAL) The Wife is restored to her former name of

(Type or print Wife's maiden OR former name)

ENTERED this _____ day of _____, 200__.

Judge

APPROVED AND AGREED

Dated this ____ day of _____, 200__.

Co-Petitioner signature

Co-Petitioner signature