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TYPES OF DISSOLUTION OF MARRIAGE

Two types of divorce described below are available through the courts: 1) standard dissolution of marriage and 2) joint simplified dissolution of marriage.

1. Standard Dissolution of Marriage applies to most couples. *If any one of the following criteria applies to a married couple seeking divorce, they must file a standard dissolution of marriage:*

- you had children born to or adopted by you, or the wife is now pregnant;
- you own real estate;
- you have been married 8 or more years;
- your joint earnings are \$35,000 or more annually;
- either spouse earns more than \$20,000 annually,
- you have marital property valued in excess of \$10,000.

A standard dissolution of marriage requires a \$336.00 in filing fees (\$218 to file the case; \$118 for an answer) payable to the Circuit Clerk when the case is filed at the Circuit Clerk's office. A petition and judgment for dissolution of marriage must be filed, and there are no forms available. Only two forms are available at this site that relate to filing a standard dissolution of marriage: an Entry of Appearance form and an Affidavit of Military Service. If you are unable to afford the filing fee, you may also complete the form entitled "Application to Sue or Defend as an Indigent Person." Both of these forms must be signed in front of a Notary Public. To view these two forms, see the link above "Forms for Standard Dissolution."

To learn more about how to prepare a petition and judgment for dissolution of marriage, consult your attorney or contact the Legal Self-Help Center in the Law Library at the Madison County Courthouse, phone 618-296-4472, or http://www.co.madison.il.us/departments/circuit_court/legal_self-help_center/index.php/. If you do not have an attorney, or cannot afford one, information is available from the law library in the basement of the courthouse.

2. Joint Simplified Dissolution is available on a strictly limited basis. Under a joint simplified proceeding, each spouse loses any right to maintenance, more commonly known as alimony.

Generally, joint simplified dissolution applies only to couples for whom **all** of the following apply. The couple:

- have been married less than 8 years, and
- do not have children born to or adopted by them, and
- have total earnings of less than \$35,000 a year, and neither spouse earns more than \$20,000 annually
- own no real estate, and
- have marital property valued at or less than \$10,000.

For a complete listing of eligibility requirements for simplified joint dissolution cases, continue to scroll down through this site, or print all pages at this site.

A **joint simplified dissolution** requires a \$218.00 filing fee payable to the Circuit Clerk when the case is filed at the Circuit Clerk's office. If you are unable to afford the filing fee, you may complete the form entitled "**Application to Sue or Defend as an Indigent Person.**" This form and others needed to file for a joint simplified dissolution of marriage are available at the link at the top of this page.

General Information Concerning Dissolution of Marriages (Divorce)

A dissolution of marriage (commonly referred to as a divorce) is a serious legal step which should only be taken after careful and 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 marriage.
- You should not rely exclusively on the information at this site; it is intended only provide the necessary case filing forms and, in the instance of simplified joint dissolutions, as a general guide for self-representation.
- Marriage counseling services are available throughout the St. Louis region.
- If you are eligible to use the 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. A judgment entered in a dissolution proceeding is final. You will not be able to appeal from the judgment unless you challenge it within thirty (30) days of entry or unless you file a proper pleading within two (2) years and can prove fraud, duress, or other legally sufficient grounds to set aside a judgment as provided by law.

To learn more about how to prepare a petition and judgment for dissolution of marriage, consult your attorney. If you do not have an attorney, or cannot afford one, information is available from the Self-Help Center (http://www.co.madison.il.us/departments/circuit_court/legal_self-help_center/index.php/) at the law library in the basement of the Madison County Courthouse.

If you have children under the age of 18, you are required to enroll in the Children First Program before your judgment can be entered. To sign up for this program, call 618-251-6214. To learn more about Children First, see link to Divorcing Parents of Minors

You may file your petition and all pleadings Monday through Friday, 8:30 am to 4:30 pm, in Room 118 of Circuit Clerk's office (Room 118 on the first floor of the Madison County Courthouse). After you file your petition, you will be advised when you will have to see a judge.

***** Circuit Clerk employees may answer your general questions, but are prohibited from assisting in preparation of documents or giving advice *****

JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

General information, instructions and necessary filing forms are provided below for couples who wish to file a joint simplified petition for dissolution of marriage. ***This joint simplified dissolution procedure is not available to everyone*** – there are several limitations. Read the information below carefully to see if you qualify for a joint simplified dissolution of marriage.

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.***

Who May Use the Joint Simplified Dissolution of Marriage Procedures

In order to use the Joint Simplified Dissolution of Marriage procedures, ***all of the following must apply*** to 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 and your spouse during your relationship and the wife is not now pregnant.
- Irreconcilable differences have caused the irretrievable breakdown of your marriage. All efforts at reconciliation 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.
- Your joint annual gross income from all sources must be less than \$35,000 and neither party may have a gross annual income in excess of \$20,000. Your most recent income tax return is required to show proof of income. The total value of marital property you and your spouse own, less any encumbrances (amounts owed on property, such as 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 sign a written agreement dividing between yourselves all marital assets worth more than \$100 and dividing responsibility for all debts and liabilities. You must divide the property and sign and exchange all documents (for example, automobile titles) necessary to carry out the agreement before any court hearing (see link for Forms for Joint Simplified Dissolution of Marriage). http://www.co.madison.il.us/departments/circuit_clerk/joint_dissolution.php
- You and your spouse must waive any right you may have to a bifurcated hearing on your dissolution petition (that is, 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).