

SIMPLIFIED DISSOLUTION

I. WHO CAN USE THE SIMPLIFIED DISSOLUTION OF MARRIAGE PROCEDURE?

ANSWER: Only those parties who answer that all of the following statements are true:

- ! We have no minor (under 18) or dependent children of the marriage.
- ! We have no adopted children under 18.
- ! The Wife is not pregnant.
- ! At least one of us has lived in Florida for the past six months.
- ! We have made provision for the division of our property and the payment of our debts, and we are satisfied with that provision.
- ! We have both signed the Joint Petition in the presence of the Clerk and all other papers needed to carry out this procedure and have paid the required fees to the Clerk of the Circuit Court.
- ! We both want the marriage to end because it is irretrievably broken (there are serious permanent differences between us which cannot be fixed).
- ! We both have agreed to use the simplified dissolution of marriage procedure rather than a regular dissolution.
- ! We will both attend the Final Hearing.

II. HOW IS A SIMPLIFIED DISSOLUTION DIFFERENT FROM A REGULAR DISSOLUTION?

- ! With a regular dissolution each spouse has the right to ask questions and obtain documents concerning the other spouse's financial status. With a simplified dissolution, each party must file a financial affidavit.
- ! With a regular dissolution, if you cannot agree about property or other matters, then a judge conducts a trial or hearing and makes a decision, which may be appealed to a higher court. In a simplified dissolution there is no trial and no appeal.
- ! With a regular dissolution, the judge may order one spouse to pay alimony to the other. With a simplified dissolution, neither spouse can receive alimony from the other, regardless of how much income one person has and how much the other person may need support.
- ! Only in limited circumstances may an agreement in a simplified divorce be challenged. However, correcting mistakes and unfairness can be expensive, time consuming and difficult.

III. WHY MUST FINANCIAL AFFIDAVITS BE FILED?

ANSWER: A financial affidavit is a sworn statement about your current financial status. The information you provide to the judge on financial affidavit is just like testifying under oath in court. When filling out this form, it is helpful to refer to your pay stubs and monthly bills to be certain the amounts are correct. It is necessary for both of you to complete a financial affidavit. For that reason two financial affidavits have been included in the packet.

- ! **HEADINGS:** Fill in your legal name and your spouse's legal name on the lines marked for Petitioner and Respondent, or Husband and Wife. The Case Number will be added when you file your documents with the Clerk of Court.

- ! **EMPLOYMENT AND INCOME:** Fill in with the information requested. Use pay stubs, W-2 forms and bank statements to assist you in filling out your monthly Income. If you are paid weekly, multiply your weekly wage by 52 and divide by 12. The result is your monthly wage.
- ! **ASSETS:** List property you own, such as cars, trucks, boats, homes, furniture, TV's, jewelry, etc. Be sure to include any bank accounts and cash money you have.
- ! **LIABILITIES:** List all money you both owe on debts. Include credit cards, mortgages, car loans, boat loans, other bank or personal loans.
- ! **SIGNATURE:** This affidavit must be signed and notarized.

IV. HOW DO I OBTAIN A FINAL HEARING?

- ! In order for the Self Help Case Manager to give you a date and time for the final hearing, your file must be complete. Provide the Clerk with four (4) stamped envelopes. The court will use these envelopes to send you an order scheduling your final hearing. Do not call the case manager for a hearing date. Please allow four (4) weeks for this order to come in the mail.
- ! If documents are missing, you will receive an order from the judge requiring you to file certain papers (usually titled an "Order to File"). Once those documents are filed, the case manager will review your file and set the case for final hearing.
- ! **YOU MUST BOTH ATTEND THE FINAL HEARING.** If either you or your spouse is not present at the final hearing, the judge cannot divorce you.
- ! Arrive at the Courthouse at least 15 minutes before you are scheduled to have your hearing. Bring with you a copy of all documents you have filed with the court and documents sent to your spouse. You will also need proof of your residence. The following are sufficient proof of residence:
 - a. A Florida driver's license issued at least six months before you filed for divorce;
 - b. A person who can testify that you have lived in Florida for the six months before you filed for divorce; or
 - c. An affidavit of a witness who has personal knowledge that you have lived in Florida for the six months before you filed for divorce.
- ! At the end of the Final Hearing, the Judge will either grant your divorce or tell you if there is a problem with your case and what that problem is. In most cases, the Judge cannot tell you how to solve the problem.