INSTRUCTIONS FOR FILING A SIMPLIFIED DISSOLUTION OF MARRIAGE

It is important that both the husband and the wife read and understand this entire package before using the Simplified Dissolution of Marriage Procedures. Please carefully follow the instructions.

You should note that the clerk's office can only supply you with the necessary forms. These forms should be typed or printed in blue ink. You should fill out the forms yourself. If, however, someone assists you in filling out the forms, that person should not give you advice on your rights or obligation unless he or she is a licensed Florida attorney. If a non lawyer helps you fill out these forms, that person must give you a Disclosure from Non lawyer. A non lawyer helping you fill out these forms must put his or her name, address, and telephone number on the bottom of the last page of every form he or she helps you complete.

This procedure is meant to provide simple, inexpensive dissolution of marriage in very limited circumstances for persons who are eligible to use it. In addition to the requirements, it is necessary that both parties appear before the clerk for completion of the forms and must return to appear before the court in no less than 20 days for a hearing.

If there is any doubt in your mind or your spouse's concerning a legal question about either your right to divorce or any property rights or tax consequences, it is strongly recommended that the service of an attorney be obtained. If you are financially unable to afford the services of an attorney, you should contact the legal aid office in your area or ask your local bar association for a referral to an appropriate person or agency.

You may file a simplified dissolution of marriage in Florida if all of the following are true:

- You and your spouse agree that the marriage cannot be saved.
- You and your spouse have no minor or dependent children together and the wife is not now pregnant.
- You and your spouse have worked out how the two of you will divide the things that you both own (your assets) and who will pay what part of the money you both owe (your liabilities), and you are both satisfied with this division.
- You are not seeking support (alimony) from your spouse, and vice versa.
- Neither you nor your spouse wish to have any financial information other than that provided in the financial affidavits.
- You are willing to give up your right to trial and appeal.
- You and your spouse are both willing to go into the clerk's office to sign the petition.
- You and your spouse are both willing to go to the final hearing.

If you do not meet the criteria above, you must file a regular petition for dissolution of marriage.

Both of you must sign the petition in the presence of a deputy clerk (in the clerk's office), although you do not have to go into the clerk's office at the same time or you may sign in front of a Notary prior to filing. You will need to provide picture identification (valid license or official identification card) for the clerk to witness your signatures.

You must prove to the court that the husband and/or the wife have lived in Florida for more than 6 months before filing the petition for dissolution of marriage. This can be established by one of three methods:

- Produce a valid Florida driver's license, Florida identification card, or voter registration card issued to one of you at least 6 months prior to filing.
- Bring a witness to the office who is willing to give testimony under oath that one or both parties have resided in this state for at least 6 months prior to filing.
- Bring an Affidavit of Corroborating Witness to our office signed by the witness before a Notary Public.

You must pay the appropriate filing fee to the clerk of the circuit court. If you and your spouse cannot pay the filing fees, you may ask the clerk for an Application for Determination of Civil Indigent Status. Once you have completed this form the clerk will view your applications and determine your indigent status. If you are declared indigent, the fees will be waived completely. If you are declared not indigent you will both have the option to enter into a payment plan agreement with the Clerk's Office and make monthly payments until the fees are paid in full. There will be a $25.00 service fee per applicant to enter into the payment plan agreement.

You will obtain a date and time for a court appearance by mail within 10 days.
On that date, you and your spouse must appear together before a judge.

If you fail to appear at the hearing, the court may dismiss the case.