

# Simplified Dissolution of Marriage in Florida

Certain couples in Florida are eligible to dissolve their marriage by using a simplified procedure. This procedure is designed to allow couples to handle the dissolution themselves, without the use of an attorney. However, the couples are responsible for filing all of the required documents correctly, and *they are required to appear together* before a judge when the final dissolution is granted. Although the simplified dissolution procedure was created so that couples would not have to hire an attorney to have their marriage dissolved, either party (or both) may hire an attorney if he or she desires.

Because the simplified dissolution procedure is intended for relatively simple divorces — where there are no children involved and the parties can agree on the resolution of all issues related to the marriage in an amicable fashion— it is significantly different than the regular divorce procedure. In a regular dissolution, each spouse has the right to examine and cross-examine the other spouse as a witness and to obtain documentary and other evidence concerning the other's income, assets, and liabilities before the case is tried or settled. During the simplified dissolution procedure, no financial information is required to be disclosed except for a self-certified financial affidavit.

**Eligibility Requirements** You may be eligible for the simplified dissolution of marriage procedure if you meet *all* of the following requirements:

- o Both you and your spouse have agreed to get divorced by this simplified method
- o Either you or your spouse have been a Florida resident for at least the past six months
- o Both you and your spouse agree that the marriage is irretrievably broken
- o You have no children younger than 18 years of age or other dependent children
- o The wife is not currently pregnant
- o There is no request for alimony or other monetary support
- o Both you and your spouse agree on how to divide all of the property, debts, and bills
- o Both you and your spouse are willing to give up your rights to a trial and to appeal the outcome
- o Both you and your spouse can go into the clerk's office to sign the petition (can be individually)
- o You and your spouse are both willing to be present at the final hearing (at the same time).

**Where Can We Obtain The Forms?** You can obtain copies of all the required forms in two ways: you can get a paper copy from your local county clerk's office or you can download the forms from the internet.

Paper copy – The local County Clerk's office can provide you with a paper copy of all the required forms for a small fee.

Online - The Escambia County Clerks' website has a useful organization of the required forms here: [http://www.escambiaclerk.com/clerk/coc\\_family\\_law\\_forms.aspx](http://www.escambiaclerk.com/clerk/coc_family_law_forms.aspx). These forms are the same for any county in Florida. If you are unable to reach that site, all of the forms are available on the Florida Courts' website, <http://www.flcourts.org>, in the family law forms link under the self-help tab.

**Where Is The Petition Filed?** As long as one of the spouses meets the residency requirements, the Simplified Dissolution of Marriage Petition can be filed with the clerk of the court if **any county** within the

Current as of November 2014

state of Florida. Both of the spouses will need to go to the clerk's office to sign the petition, although they do not have to go together. Each spouse will need to bring a form of identification that includes a picture (such as a driver's license or military ID). One of the spouses will need to provide proof of residence, either: a valid Florida driver's license, a Florida voter's registration card, or a Certificate of Corroborating Witness - this form is included in the simplified dissolution packet and can be signed by a third party in the presence of a notary certifying that one spouse has lived in Florida for the past six months.

**How Much Does It Cost?** The parties are required to pay filing fees when they present the petition to the local county clerk. These fees are subject to change annually. The fees currently are around \$430.00.

**How Quick Is The Process?** There is a mandatory twenty day waiting period before a hearing can be scheduled. As noted above, both the husband and wife are required to attend the hearing. In some counties, if one party does not appear the case is dismissed and the filing fees forfeited.

**What If We Change Our Minds After Filing The Petition?** If, after filing the Simplified Dissolution of Marriage Petition, you believe that your marriage can be saved and the divorce avoided, you and your spouse can file a Voluntary Dismissal form to have the case dismissed. There is generally no refund of filing fees.

**Hire An Attorney If...** 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 services of a civilian attorney be obtained. If you do not know an attorney, you should contact the Lawyer Referral Service. If you are financially unable to afford the service 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.

*The material in this handout represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.*