

# Simplified Dissolution of Marriage in Florida

*DISCLAIMER: The information contained in this fact sheet is of a general nature and is provided for your assistance. It is not intended as legal advice and is not a substitute for legal counsel. If you have any questions as to how the law affects you or your legal rights, contact an attorney.*

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, 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:

- Both you and your spouse have agreed to get divorced by this simplified method
- Either you or your spouse has lived in Florida for the past 6 months or more
- Both you and your spouse agree that the marriage is irretrievably broken
- You have no children younger than 18 years of age or other dependent children
- The wife is not currently pregnant
- There is no request for alimony or other monetary support
- Both you and your spouse agree on how to divide all of the property, debts, and bills
- Both you and your spouse are willing to give up your right to a trial and any right to appeal the outcome
- Both you and your spouse can go into the clerk's office to sign the petition (can go separately)
- You and your spouse are both willing to be present at the final hearing (at the same time).

**Where Can We Obtain The Forms?** There are two options:

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

Please visit [www.eglin.af.mil/Units/Legal-Office](http://www.eglin.af.mil/Units/Legal-Office) for additional reference items.

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- **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 generally the same for any county in Florida. Okaloosa County Forms come in packages that contain forms you may need. They can be located here: <http://clerkapps.okaloosaclerk.com/selfhelp/packages/>. If you are unable to reach these sites, 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 of **any county** within the state of Florida. Both of the spouses will need to go to the clerk's office to sign the petition (although they can go separately). Each spouse will need to bring a picture identification (such as a driver's license or military ID). One of the spouses will need to provide proof of residence. This could be 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 \$420.00.

**How Quick Is The Process?** There is a mandatory twenty day waiting period before a hearing can be scheduled.

**If We Meet The Criteria, Are There Any Reasons We Should NOT Use The Simplified Process?** You should speak with an attorney concerning your particular facts and circumstances to determine the best process to use. There are many long-term consequences that can arise from a divorce that should be considered before filing.

**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.

**Consider Hiring an Attorney...** 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.

- **Florida Bar Referral Service:**
  - Phone: (800) 342-8011 | Online: <https://www.floridabar.org/public/lrs/request/>
  - \$25 Consultation Fee
- **Legal Services of Northwest Florida:**
  - Phone: (850) 862-3279
- **Florida Bar Consumer Pamphlet: "How to Find a Lawyer in Florida"**
  - Online: <https://www.floridabar.org/public/consumer/pamphlet018/>

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