



SIMPLIFIED DISSOLUTION OF MARRIAGE

HOW CAN I OBTAIN A DIVORCE IN FLORIDA?

In Florida, a divorce is called a "dissolution of marriage." You can file a petition for a dissolution of marriage on the grounds that your marriage is "irretrievably broken." Irretrievably broken means that you and your spouse are unable to work out your problems and cannot live together any more. You and/or your spouse must have been a resident of the State of Florida for at least six (6) months before you can file here for dissolution of marriage.

DO I HAVE TO HAVE AN ATTORNEY TO FILE A DISSOLUTION OF MARRIAGE?

In the State of Florida you do not need an attorney to get divorced. Under Florida law, there is a "Simplified Dissolution Procedure" which enables you and your spouse to file for your own divorce. You can only use this procedure if there are no issues other than the divorce itself to be decided or enforced by the court.

You cannot file for Simplified Dissolution of Marriage if you:

- have any minor children or children who are still dependent, whether the children were born during the marriage, before the marriage, or after your separation. The wife also cannot now be pregnant OR
- have any property together unless you have already agreed on how to divide it and you have physically divided the property or are willing to lose that property if your spouse then refuses to comply with your agreement.

WHAT IF I WANT ALIMONY?

If you have a claim to alimony, then you should not use the Simplified Dissolution Procedure. With this particular kind of a divorce action, the only thing the Judge can order is that the husband and wife are divorced and, if the wife requests, that the wife's last name is changed back to her former name. If you have a claim to alimony, you should seek the help of an attorney. If you still want to represent yourself in a divorce, you can file a regular dissolution of marriage action, and ask the Court to grant you alimony. Your spouse will not file this kind of a divorce action jointly with you.

WHAT IF MY SPOUSE HAS PROPERTY TITLED IN HIS OR HER SEPARATE NAME, OR HAS A PENSION?

See the paragraph above on Alimony. The Court cannot divide property, including a pension, in a Simplified Dissolution Procedure. For any kind of a marital property division, you will need to file a regular dissolution action, with an attorney representing you, or acting as your own attorney.

HOW CAN I GET A SIMPLIFIED DISSOLUTION OF MARRIAGE?

Both you and your spouse must go together (at the same time) to the Office of the Clerk of the Circuit Court, Room 103 of the Duval County Courthouse. The courthouse is located at 330 East Bay Street. Tell the clerk that you want to file a Petition for Simplified Dissolution of Marriage. The cost for filing the petition is \$409.00. If you cannot pay the filing fee and are indigent, you may qualify for a payment plan.

The forms are available on the internet at www.flcourts.org or for purchase from the clerk of courts. You must be able to verify that you or your spouse has been a resident of the State of Florida for at least six (6) months before filing. You can verify your residency in Florida by producing or having your spouse produce a valid Florida Driver's License which was issued at least six (6) months before the date of filing. If neither of you has the appropriate driver's license, you must have a residency witness fill out a sworn and notarized statement that you or your spouse have been a resident of Florida for six (6) months before filing. Your residency witness must have personal knowledge that you or your spouse have been a Florida resident for six (6) months.

It is important when filling out the papers for a Simplified Dissolution of Marriage that your statements are true and correct. When you and your spouse later appear before a judge, you may be asked questions about what you put in the papers.

IS IT POSSIBLE TO BE DIVORCED THE SAME DAY I FILE A PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE?

No. By law, the final judgment cannot be entered until you have a hearing before a judge. Usually, after you have filled out the necessary forms, the clerk will send you and your spouse to a judge's office to get a hearing date. You will talk to the judge's secretary who will give you the hearing date. It will generally be at least one to two months before you will have your hearing before the judge.

WHAT WILL HAPPEN AT THE HEARING?

Both you and your spouse must appear at the hearing. The judge will talk to both of you about your petition and the statements you made on that form. You do not need an attorney at this hearing. You should be polite and honest when talking with the judge. Attire for a Court appearance is generally a dress for women and a coat and tie for men.

WHEN IS THE DISSOLUTION OF MARRIAGE FINAL?

If the judge grants your Petition for Simplified Dissolution of Marriage, your divorce is final only after the judge signs the Final Judgment of Dissolution and that judgment is entered on the court record. You and your spouse will both be given a certified copy of the final judgment.

WHAT IF I DO NOT QUALIFY TO FILE A PETITION FOR SIMPLIFIED DISSOLUTION OF MARRIAGE?

If you and your spouse have any minor or dependent children together; if the wife is now pregnant (even if the child is not the husband's); if there are any alimony or property issues which the Court must decide; or if you both cannot agree to the divorce and be willing to go together to the courthouse both times, you should get an attorney to handle your case; however, it is not mandatory. If you have any questions or problems in any of the areas mentioned, you may wish to at least consult an attorney before filing your own case.

Jacksonville Area Legal Aid, Inc. serves Duval, Clay, Nassau, and Baker Counties at the following addresses and phone numbers:

DUVAL COUNTY

DOWNTOWN MAIN OFFICE
126 West Adams Street
Jacksonville, Florida 32202
(904) 356-8371

CLAY COUNTY

3540 Highway 17, Suite 101
Green Cove Springs, FL 32043
(904) 284-8410

INTERVIEW SITES:
Call (904) 356-8371, ext. 318

INTERVIEW SITES:
Council on Aging
1367 South 18th Street
Fernandina Beach, FL
(904) 261-0701

NASSAU COUNTY

SERVED THROUGH:
Downtown Main Office

BAKER COUNTY

SERVED THROUGH:
Downtown Main Office

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The City Of Jacksonville
NE Florida Area Agency on Aging
Florida Department of Elder Affairs
United Way of Northeast Florida
Office of Attorney General

Federal Housing and Urban Development
Florida Department of Children/Families
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U.S. Department of Health and Human Services
Individual Contributions

Baker, Clay, Duval, Nassau County Filing Fees
Victims of Crimes Act/Violence Against Women Act
The Florida Bar Foundation with funds provided by Florida's Interest on Trust Accounts Program

Prepared by: Jacksonville Area Legal Aid, Inc., A United Way Agency

Revised 01/09

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The laws described here may change without notice.