

## Low Income Simplified Divorce

Since 1994, Illinois courts have offered a low-cost way for folks of modest means to obtain a simple, uncontested divorce. It's called the Joint Simplified Dissolution Procedure, but the law applies to only a few cases that meet very strict requirements:

1. Neither spouse is dependent on the other (i.e., you're both working) or each spouse is willing to waive his or her right to support or maintenance (i.e., alimony) and the "the parties understand that consultation with attorneys may help them determine eligibility for spousal support." (NOTE: if you're not sure whether you are eligible for spousal support you should consult a lawyer.)
2. Either party has been a resident of Illinois (or has been stationed in Illinois while a member of the armed services) for 90 days next preceding the commencement of the action OR the making of the finding (the "commencement of the action" usually means the filing of the papers and "the making of the finding" usually means the day on which you and yours testify in front of the judge) (NOTE:) "residence" means the place you consider your permanent home, intent is the primary consideration and one's actions are more important than words in determining one's intent. Not sure? Confused? Consult lawyer.)
3. Irreconcilable difference have caused the irretrievable breakdown of the marriage and the parties have been separated two years or more and efforts at reconciliation have failed or future attempts at reconciliation would be impracticable and not in the best interests of the family. NOTE: you may be able to convince the judge to reduce the two year separation period if your spouse will cooperate and a special form.
4. No children were born of the relationship of the parties or adopted by the parties during the marriage, and the wife, to her knowledge, is not pregnant by the husband.
5. The duration of the marriage does not exceed 5 years.
6. Neither party has any interest in real property (i.e., real estate, including condos, lofts, homes, farmland, etc., apartments don't count).
7. The parties waive any right to maintenance (maintenance is what used to be called alimony).
8. The total fair market value of all marital property, after deducting all encumbrances, is less than \$5,000 and the combined gross annualized income from all sources is less than \$25,000.
9. The parties have disclosed to each other all assets and their tax returns for all years of the marriage.
10. The parties have executed a written agreement dividing all assets in excess of \$100 in value and allocating responsibility for debts and liabilities between the parties.

NOTE: You BOTH have to go to court to testify before the judge.