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## **Divorce (Part 1): What Type of Divorce Do I Need?**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

In this video, we'll cover the two types of divorce. One is absolute divorce. The other is limited divorce. We'll also go over the legal concept of separation. Annulment, a rare occurrence in which the court finds your marriage never existed, is not covered in this video.

This series talks about divorce only. If you and your spouse have children in common, you can ask the court to establish child custody and child access or visitation as part of your divorce. View the *My Laws, My Courts, My Maryland* video series on Child Custody.

You will be learning a lot of new material, and some of it can be quite dense. Consider using the Tip Sheet and taking notes. Let's get started with a discussion on absolute divorce.

### **CHAPTER HEADING FULL SCREEN TEXT: ABSOLUTE DIVORCE**

An absolute divorce ends a marriage. You and your spouse may remarry.

In an absolute divorce case, you will resolve all issues related to alimony, or financial support, child custody, child support, and how marital property will be used and divided. This video series on divorce has several videos which cover each of these topics with more detail. You may also want to watch the series on Child Custody if you and your spouse have children together.

Let's look at limited divorce now.

### **CHAPTER HEADING FULL SCREEN TEXT: LIMITED DIVORCE**

A limited divorce allows you and your spouse to resolve some important issues, but it does not end your marriage. You cannot remarry.

You may want to consider getting a limited divorce if you have child-related issues or financial matters you need to address, but you do not yet have a legal reason, or grounds, for an absolute divorce. Legal reasons for divorce are covered in Part 2 of this series.

When you file for a limited divorce, the court can address issues during the separation including financial support, child custody, and health insurance. The court may also address which spouse may use certain property, such as a home or car. In this type of divorce, your marital property will not be divided.

Let's look at the legal concept of separation.

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## **CHAPTER HEADING FULL SCREEN TEXT: SEPARATION**

There is no such thing as a “legal separation” in Maryland. If you and your spouse live apart with the intention of ending your marriage, and if you do not have sexual intercourse during that time, that constitutes separation. Separation can be a legal reason for divorce, depending on how long you and your spouse are separated. Part 2 in this series goes over the grounds, or legal reasons for divorce.

Some couples choose to enter into a separation or marital settlement agreement before they file for divorce, or while they are waiting for their divorce to be final. This agreement is a contract between you and your spouse and may address issues such as child custody, child support, spousal support, property use, ownership or distribution of a home, car or personal property. If you and your spouse enter into a separation agreement, you may have it incorporated into your final divorce decree. That way, your agreement becomes an enforceable court order after the divorce. You can craft an agreement with the help of a mediator or your lawyers. If you enter into an agreement and you do not have a lawyer, consider having it reviewed by a lawyer before you sign it.

Let review the types of divorce.

## **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

You may remarry if you get an absolute divorce, which will resolve all issues about money, children, and property. With a limited divorce, you cannot remarry. Finally, there is no such thing as a “legal separation” in Maryland.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about types of divorce cases has been helpful.

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## **Divorce (Part 2): Determining a Legal Reason (or Ground) for Divorce**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the legal reasons or "grounds" for divorce. One spouse must prove that at least one "ground" exists before the court may grant a divorce. We'll define the three grounds for limited divorce: separation, cruelty and excessively vicious conduct, and desertion. We'll also go over three additional grounds that may be used to file for an absolute divorce: Adultery, imprisonment for a crime, and insanity. Finally, we will talk about the residency requirements for a divorce case.

The court may also grant an absolute divorce on the grounds of mutual consent if you and your spouse sign an agreement. This is a very common way to get a divorce. Watch Part 3 in this video series if this is the type of divorce for you.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse share, you should also view the series on Child Custody. You will be learning a lot of new material, and some of it can be quite dense. Consider using the Tip Sheet and taking notes. Let's get started with a discussion of the three grounds for limited divorce.

### **CHAPTER HEADING FULL SCREEN TEXT: GROUNDS FOR LIMITED DIVORCE**

The first ground for limited divorce is separation. This means you and your spouse live in different residences, with no reasonable expectation that you will make-up and you and your spouse are no longer having sex. You do not have to be separated for any specific period of time if you want a limited divorce.

If your spouse physically abuses or mentally injures you or your minor children, you may ask for a limited divorce on the grounds of cruelty and excessively vicious conduct. Consider this ground if you believe continuing the marriage is impossible without jeopardizing your health, safety, or well-being.

The final ground for limited divorce is desertion, and there are two types. In actual desertion, one spouse unjustifiably abandons the other spouse with the intention of ending their marriage. In constructive desertion, one spouse's behavior is so harmful to the other's physical or mental well-being that he or she is forced to leave the marriage to preserve his or her health, safety, or well-being.

You may also use these three legal reasons, or grounds, if you want to ask the court for an absolute divorce. Let's go over other grounds that may be used in an absolute divorce case.

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## **CHAPTER HEADING FULL SCREEN TEXT: GROUNDS ABSOLUTE DIVORCE**

If you want to use separation as grounds for absolute divorce, you must prove that you have been separated for at least 12 months. If there is a break in the separation, meaning you reside together again or resume having sex, the “clock” starts over and you will have show you were continually separated for 12 months.

Adultery is also a ground for absolute divorce. One spouse must prove that the other spouse had the disposition – or, is the kind of person who would commit adultery – and an opportunity for adultery. With adultery, you may file for divorce as soon as it is discovered.

The next ground is imprisonment. This requires proof that a spouse was convicted of a crime, sentenced to more than three years imprisonment, and has been imprisoned for at least one year at the time of filing.

Insanity is also a ground for absolute divorce. One spouse must prove that the other person’s insanity is permanent and incurable, and two psychiatric doctors must testify to those facts. Also, the other person must have been confined in an institution or hospital for at least three years at the time of filing.

Finally, if you want a divorce on the grounds of mutual consent, watch Part 3 in this series.

You must also understand the residency requirements in a divorce case.

## **CHAPTER HEADING FULL SCREEN TEXT: RESIDENCY REQUIREMENTS**

To get a divorce in Maryland, at least one spouse must be a legal resident of Maryland. If the ground for divorce happened in Maryland, you need only be a Maryland resident at the time you file for divorce. If the ground for divorce happened outside of Maryland, one spouse must live in Maryland for at least six months.

Let’s summarize the legal reasons or ground for divorce.

## **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, the court will consider three grounds in a limited divorce case: separation, cruelty and excessively vicious conduct, and desertion. The court can grant an absolute divorce if you and your spouse have been separated for 12 months, or if the person seeking the divorce can provide cruelty and excessively vicious conduct, desertion, adultery, imprisonment for a crime, or insanity. One spouse must prove at least one ground before the court can grant a divorce. Finally, at least one spouse must live in Maryland.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about the grounds for divorce has been helpful.

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### **Divorce (Part 3): Mutual Consent Ground for Divorce**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers a specific ground for absolute divorce called mutual consent. We'll go over what you should include in the written agreement you must submit to the court. Then we'll introduce you to the hearing that you and your spouse must attend.

You will be learning some new material, so consider using the Tip Sheet and taking notes. Let's get started with a look at the Marital Settlement Agreement.

#### **CHAPTER HEADING FULL SCREEN TEXT: SIGNED AGREEMENT**

The court will grant an absolute divorce if you and your spouse both agree to the divorce and have signed a written settlement agreement that settles all matters between you. Your agreement should cover how child custody issues will be resolved, including any child support payments. If your agreement provides for child support, attach a child support guidelines worksheet. If you and your spouse's combined monthly income is less than \$15,000, use form CC-DR-030. If your combined monthly income is more than \$15,000, use form CC-DR-031.

Your agreement must also include details on how you and your spouse will deal with marital property, including the family home and other family property such as cars. Only certain property is considered "marital property" and subject to distribution in a divorce. Be sure to watch Part 5 in this series, *How the Court Divides Jointly-Owned Belongings*.

Consider including information on health insurance benefits, and whether one spouse will financially support the other spouse with alimony, or spousal support.

Negotiating a settlement agreement can be challenging. Take advantage of some of the court's helpful resources when creating your agreement.

#### **CHAPTER HEADING FULL SCREEN TEXT: WHERE TO GET HELP**

Before signing an agreement, you may want to speak with a lawyer to make sure you understand your rights. Consider hiring a lawyer, especially if your spouse has one. Or, you may want to speak to a free lawyer at the Maryland Courts Self-Help Center. These lawyers can't represent you in court, but they can give you brief advice on drafting settlement agreements. The call center is open until 8 p.m. on most weekdays. Call 410-260-1392.

Negotiating a settlement agreement in a divorce case can be difficult. You and your spouse may also want to consider participating in mediation. In mediation, a trained neutral person will sit

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down with you and your spouse to discuss the terms of an agreement. Mediation is confidential and voluntary, and it lets you and your spouse decide on a solution that works for both of you. Contact the Mediation and Conflict Resolution Office for more information.

You may also want to check with the law library or the family department at your circuit court to see if they have sample settlement agreement forms.

Once you have a signed agreement, file it with the court. The court will review the document and then schedule a hearing.

Let's talk about that hearing.

### **CHAPTER HEADING FULL SCREEN TEXT: COURT HEARING ON MUTUAL CONSENT**

Before the court will grant an absolute divorce on the ground of mutual consent, at least one spouse must appear at a hearing. The court will notify you of the hearing date. During this time period if something changes, you or your spouse may ask the court to set aside the Settlement Agreement to stop the divorce from proceeding.

When you appear at the hearing, the court will ask whether at least one spouse lives in Maryland. The court will also determine whether you or your spouse has asked to set aside your agreement.

If the court is satisfied with your answers and with your agreement, it will grant a divorce on the grounds of mutual consent.

### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, to obtain an absolute divorce on the grounds of mutual consent, you and your spouse must sign a Settlement Agreement that resolves all issues, including the care, custody, access and support of children. Helpful resources for drafting a settlement agreement include lawyers at the Maryland Courts Self-Help Center, mediation, and sample forms. Finally, at least one spouse must appear at a hearing.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about mutual consent divorce has been helpful.

## **Divorce (Part 4): Asking for Spousal Support or Alimony**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers alimony, or spousal support. This is the court process that will determine whether one spouse will make payments to the other spouse after their marriage has ended. The goal of these payments is to help the spouse receiving them to become self-supporting. We will talk about three types of alimony – pendente lite, rehabilitative, and indefinite. We'll also discuss factors the court must consider before awarding alimony in a divorce case. We'll go over the importance of timing when asking for alimony, and examine how to terminate or modify alimony cases. Finally, we will briefly talk about some tax consequences.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse share, you should also view the series on Child Custody. You will be learning a lot of new material, and some of it can be quite dense. Consider using the Tip Sheet and taking notes. Let's get started with a look at three types of alimony.

### **CHAPTER HEADING FULL SCREEN TEXT: TYPES OF ALIMONY: PENDENTE LITE, REHABILITATIVE, INDEFINITE**

Pendente lite alimony refers to temporary support payments made before the court grants a final divorce. The purpose of pendente lite support is to maintain the status quo, and there is no guarantee that the court will grant alimony in the final divorce order.

When the divorce is granted, the court may order rehabilitative alimony for a limited time. This allows the spouse receiving alimony to get the education or training needed to become self-supporting.

In some cases, the court may award indefinite alimony when a spouse cannot make reasonable progress toward becoming self-supporting. This is usually because of age, illness, infirmity, or disability. The court may also award indefinite alimony if the standard of living of one spouse after divorce will be significantly affected.

Income is just one component the court will contemplate when deciding whether to grant alimony. There are several other factors the court will consider.

### **CHAPTER HEADING FULL SCREEN TEXT: FACTORS CONSIDERED BY THE COURT**

As we mentioned earlier, the court will consider the ability of the spouse seeking alimony to be self-supporting, and the time they may need to become self-supporting. In addition, the court will consider the age and health of each spouse, the length of the marriage, and the reasons the

marriage ended. It will also look at each spouses' contributions to the family. This includes monetary and non-monetary contributions. The court will consider the standard of living during the marriage and the financial resources of each spouse, which may include financial needs, income and assets. Finally, the court will take into consideration how marital property will be divided and the right of each spouse to retirement benefits.

You need to keep in mind an important time element about alimony.

#### **CHAPTER HEADING FULL SCREEN TEXT: TIMING IS EVERYTHING**

The court may award alimony only before your divorce is final. If you or your spouse do not ask for alimony as part of the divorce case, you cannot come back later after your marriage is ended to ask the court for alimony. It is a longstanding rule in Maryland that your right to ask for alimony is extinguished at the moment your marriage ends.

If the court grants alimony in your divorce case, you should know about how to change the payments and when payments may end.

#### **CHAPTER HEADING FULL SCREEN TEXT: TERMINATION AND MODIFICATION**

There are three ways alimony payments may terminate: death, remarriage or to avoid a harsh result. Alimony will no longer be paid if either spouse dies. Also, if the spouse receiving payments remarries, the other person is no longer required to pay alimony, unless the spouses have agreed otherwise. Finally, the court may terminate alimony payments to avoid a harsh result.

Alimony payments may be modified if there is a material change in circumstances. But there are exceptions. For example, if your divorce judgment states that no modification may be made, then you cannot change alimony payments.

Finally, it is important you understand the tax consequences of alimony.

#### **CHAPTER HEADING FULL SCREEN TEXT: TAX CONSEQUENCES**

A spouse who pays alimony or spousal support cannot deduct those payments from income. A spouse receiving alimony does not have to pay taxes on that income. In negotiating a settlement agreement or divorce, you and your spouse may agree otherwise. The tax consequences of alimony are complicated, and you should consider talking to a lawyer.

That was a lot of complex information about spousal support. Remember, if you want to speak to a lawyer, you may call the Maryland Courts Self-Help Center at 410-260-1392. Those lawyers can't represent you in court, but they can answer questions about alimony. Let's summarize.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, there are three types of alimony – pendente lite, rehabilitative, and indefinite. The court will consider several factors when contemplating alimony in a divorce case, including financial resources, health, length of marriage and standard of living. If you want to ask the

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court to award alimony, you must ask before your marriage has ended. Alimony may end if one spouse dies, remarries, or the court issues an order. You may modify alimony if there is a material change in circumstances. Finally, be sure to understand the tax consequences of alimony payments.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about alimony or spousal support in divorce cases has been helpful.

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## **Divorce (Part 5): How the Court Divides Jointly-Owned Property**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers how you and your spouse, or the court, will split up your property in a divorce. How property is defined is important when courts decide who gets what when your marriage ends. We'll go over what the court considers "marital property," "non-marital property," and commingled marital property. We'll introduce you to the Joint Statement of Parties Concerning Marital and Non-Marital Property, and you'll learn about what the courts can and cannot do with your property. Finally, we'll tell you about a special process for pensions and retirement assets.

Even if you and your spouse go to mediation or work out an agreement, you should know how the court will deal with your property in a divorce. That way, you are knowledgeable when you sit down to work out an agreement.

You will be learning a lot of new material, and some of it is quite dense. Consider using the Tip Sheet and taking notes. Let's get started with a definition of marital property.

### **CHAPTER HEADING FULL SCREEN TEXT: WHAT IS MARITAL PROPERTY**

Marital property is property acquired during your marriage, regardless of how it is titled or who paid for it. It may include houses, cars, furniture, appliances, stocks, bonds, jewelry, bank accounts, and retirement plans. It includes property acquired from the date of your marriage until the date your divorce is final. If you or your spouse acquired property during your separation, it is still considered marital property.

Some of your property may be considered non-marital property.

### **CHAPTER HEADING FULL SCREEN TEXT: WHAT IS CONSIDERED NON-MARITAL PROPERTY**

Property you or your spouse acquired before your marriage is non-marital, or separate, property. So are gifts or inheritances made to only you or your spouse. Property directly traceable to non-marital property, such as items purchased with money from an inheritance, is also non-marital property.

Those aren't the only two types of property in a divorce case.

### **CHAPTER HEADING FULL SCREEN TEXT: OTHER TYPES OF PROPERTY**

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Some property may be both marital and non-marital. For instance, if you or your spouse bought a house before marriage, it is non-marital property. But, when marital funds are used to pay the mortgage, your home becomes part marital and part non-marital property.

Commingled marital property is when non-marital property is mixed with marital property. The court may determine that the property is now marital.

When deciding how to distribute property during the divorce process, identify all types of property and debt, and determine your property's value. You and your spouse can decide how to divide your property, or whether one spouse will pay the other a monetary award.

If you and your spouse agree on property distribution, you may submit your agreement to the court. If you do not agree, you must complete a Joint Statement of Parties Concerning Marital and Non-Marital Property.

#### **CHAPTER HEADING FULL SCREEN TEXT: JOINT STATEMENT OF PARTIES CONCERNING MARITAL AND NON-MARITAL PROPERTY**

The Joint Statement, or form CC-DR-033, must list all property owned by you, your spouse, and both of you. On the form, you each indicate whether you agree or disagree on what is marital and non-marital property. Submit this form if you and your spouse want to ask the court to determine how your property will be divided.

When the court determines property distribution, it has some limits on what it can do.

#### **CHAPTER HEADING FULL SCREEN TEXT: WHAT THE COURT CAN AND CANNOT DO WITH YOUR PROPERTY**

The court can order the sale of joint property such as houses or cars with an equal division of the proceeds of the sale. The court cannot transfer a title from one spouse to the other if the property is owned individually, but it can order one spouse to transfer ownership of your jointly-owned home to the other spouse. Even though the court cannot transfer title, the court can require one party to compensate the other for the value of that item if it is considered marital property. The court cannot transfer debt from one person to another. So, for example, if you took out a car loan in your name only, the court cannot make the other person make those car payments. The court also may transfer interest in a pension or ownership of personal property from one spouse to the other.

#### **CHAPTER HEADING FULL SCREEN TEXT: A WORD ABOUT PENSIONS**

Pension or retirement benefits earned during your marriage are marital property. If a portion of the benefit was earned prior to your marriage, it may be considered part marital and part non-marital. One spouse may be eligible for a share of the other's pension or retirement benefit. This is one area of divorce in which you should consult a lawyer. You will need a lawyer's help to evaluate your rights to any retirement benefits and, if eligible, to draft a special court order that will be used to distribute those benefits.

That was a lot of information. If you and your spouse own significant property, have retirement assets, or own a business, you really should consult with a lawyer. Let's summarize.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

How property is defined is important when courts decide who gets what when your marriage ends. Property acquired during your marriage is marital property. Gifts and inheritances are types of non-marital property. Some property may be both marital and non-marital at the same time, and others are considered commingled marital property. Don't forget to submit a completed Joint Statement of Parties Concerning Marital and Non-Marital Property if you want the court to distribute your property. There are limits to what the court can and cannot do with your property in a divorce. Finally, if you or your spouse have pension or retirement assets, consider speaking with a lawyer

Thanks for watching. On behalf of the Maryland Courts, we hope this information about distribution of property in a divorce case has been helpful.

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**Divorce (Part 6): Use and Possession**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the court process used to decide which spouse will be able to use certain properties after a divorce is granted. The legal term is "use and possession." We'll discuss the family home, and who may live there and who may make the mortgage payments. We'll also go over other family belongings, called "family use personal property." Finally, you'll learn when some of these provisions may end.

You will be learning a lot of new material, so consider using the Tip Sheet and taking notes. Let's get started with a discussion of use and possession of the family home.

**CHAPTER HEADING FULL SCREEN TEXT: USE AND POSSESSION OF THE FAMILY HOME**

In a divorce case, the court may order exclusive use and possession of the family home to you or your spouse. That means one spouse may live in the family home with any minor children. The purpose is to help spouses get back on their feet and to allow children to remain in a familiar setting during a time of transition. The court may also order the other spouse to pay the mortgage or other expenses.

The court may also grant use and possession of family use personal property to one spouse.

**CHAPTER HEADING FULL SCREEN TEXT: FAMILY USE PERSONAL PROPERTY**

Family use personal property includes automobiles, furniture, appliances and other types of property used for family purposes. The property can be owned by you or your spouse, or may be jointly owned. Also, remember that the court cannot grant use and possession of any property that you or your spouse acquired before marriage, or by gift or inheritance.

Use and possession orders usually end after a certain time period.

**CHAPTER HEADING FULL SCREEN TEXT: TERMINATION**

The court may award use and possession of the family home or family use personal property before the final divorce is granted and for up to three years from the time of divorce. The award may also terminate when the spouse awarded use and possession remarries.

**CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, "use and possession" refers to which spouse will be able to use certain properties after a divorce is granted. The court may award use and possession of the family home or of family use personal property, such as cars and appliances. Finally, your divorce decree or judgment will include an end date for the award.

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Thanks for watching. On behalf of the Maryland Courts, we hope this information about use and possession of the family home and family use personal property has been helpful.

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## **Divorce (Part 7): How to Restore Your Former Name**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the steps involved in asking the court to restore the name you had before you were married. You may make this request at the time you file for divorce on your Complaint for Divorce form. If you did not do so at the time of your divorce, this video will explain the process. We'll introduce you to the court form and the steps you must take to ask the court to restore your former name. We'll also go over some time restrictions to when you may ask the court to restore your name and the steps you must take. You will be learning some new material, so consider using the Tip Sheet and taking notes. Let's get started with a look at the court form.

### **CHAPTER HEADING FULL SCREEN TEXT: MOTION FOR RESTORATION OF FORMER NAME (CC-DR-097)**

If you took a new name when you were married and want to take back the name you used before the marriage, use a form titled Motion for Restoration of Former Name, or form CC-DR-097. Your reason for taking back your former name may not be illegal, fraudulent, or immoral, or to hide from creditors. Use this form only if you are restoring a prior name. If you want to use a new name you have not used before, you may not use this process. You will need to petition the court for a name change, which is a different process.

The legal process of restoring a former name can get complicated if someone has challenged your request. Consider hiring a lawyer if that has happened in your case. You may also speak with a lawyer free of charge at the Maryland Courts Self-Help Center. Those lawyers cannot represent you in court, but they can provide brief advice and help with court forms. Call 410-260-1392. The call center is open most weekdays from 8:30 a.m. to 8 p.m.

Once you complete and sign the form, make at least two copies and give the original set to the clerk in the circuit court where you filed your divorce case. There is no filing fee.

You will also need to provide your ex-spouse with copies of your documents. This is called service of process. Whether you must serve your ex-spouse by mail or in person depends on how much time has elapsed since your divorce was finalized. Let's go over those timing issues now.

### **CHAPTER HEADING FULL SCREEN TEXT: TIMING**

You have an 18-month window of time after your divorce is final during which you may ask the court to restore your former name. If more than 18 months has passed since the court granted

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your divorce, it cannot grant your request to restore your name using this process. Tell the court clerk that you want to ask the court for a name change, which is a different process.

If you file your Motion for Restoration of Former Name within 30 days of the date of your divorce decree or judgment, you may mail to your ex-spouse copies of your documents. If you file your motion more than 30 days, but less than 18 months, from the date of your divorce, you must arrange for a third party to serve your ex-spouse with documents and the Writ of Summons issued by the clerk. The steps of Service of Process must be followed with precision. See the *My Laws, My Courts, My Maryland* video Service of Process for more information.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, if you did not ask the court to restore a prior name at the time of your divorce, complete a Motion for Restoration of Former Name, form number CC-DR-097. You must file this motion within 18 months after your divorce judgment. If you file your motion within 30 days after your divorce, you may serve your former spouse by mail. If you waited more than 30 days, a third party must personally serve him or her.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about restoring your former name has been helpful.

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**Divorce (Part 8): Forms You Need to File**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the forms the court requires to open and process a divorce case. We'll talk about two types of Complaint forms – one for absolute divorce and one for limited divorce. We'll go over two forms to consider if you want to respond to a divorce case that your spouse has opened. One is called the Answer. The other is a Counter Complaint. We'll also introduce you to financial forms and forms you may need to waive the filing fees. Finally, you'll learn where you can get legal help completing these forms.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse have in common, you should also view the *My Laws, My Courts, My Maryland* video series on Child Custody. You will be learning a lot of new terms, so consider using the Tip Sheet and taking notes. Let's get started with a discussion of complaint forms.

**CHAPTER HEADING FULL SCREEN TEXT: COMPLAINT**

If you would like to ask the court to open a divorce case to end your marriage, you have two options. Use the Complaint for Absolute Divorce, or form CC-DR-020, if you or your spouse can prove at least one legal reason, or grounds, for absolute divorce. Use the Complaint for Limited Divorce, or form CC-DR-021, if you do not have grounds for absolute divorce, but want to ask the court for alimony, custody, child support, and use and possession of the family home or other property. If you're not certain about which type of divorce you want, watch Part 2 in this series, Determining a Legal Reason (or Grounds) for Divorce.

If your spouse has opened a divorce case, and you want to respond, you also have two options.

**CHAPTER HEADING FULL SCREEN TEXT: ANSWER AND COUNTER-COMPLAINT**

One option to respond to the divorce case your spouse has opened is called the Answer, or form CC-DC-050. In the Answer, you agree with or disagree with the written statements your spouse included in his or her divorce complaint. The second option is called a Counter-Complaint for Absolute Divorce, or form CC-DR-094. Use this form if you want the court to address issues different from what your spouse requested in his or her complaint.

The court may require other forms as well

**CHAPTER HEADING FULL SCREEN TEXT: OTHER FORMS**

Every divorce case requires you to complete a Civil Domestic Case Information Report, or form CC-DCM-001. Submit it with your complaint or answer.

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Time: 6 minutes, 37 seconds

If you or your spouse are asking the court to divide your marital property, you must complete a Joint Statement of the Parties Concerning Marital and Non-Marital Property, or form CC-DR-033. If you are asking for a divorce on the grounds of mutual consent, you must complete a settlement agreement. A court clerk or law librarian may be able to point you to a template for a settlement agreement.

At the end of your divorce hearing, you must submit a Division of Vital Statistics, Report of Absolute Divorce or Annulment of Marriage. This allows the court to mail to you a divorce decree or judgment. Get this form from a court clerk.

In some instances, you may be required to complete financial forms.

### **CHAPTER HEADING FULL SCREEN TEXT: FINANCIAL FORMS AND FEE WAIVER FORMS**

Under certain circumstances, you must complete a Financial Statement, or form CC-DR-030. Use this form if your case includes provisions about child support, and you and your spouse have a combined monthly income of less than \$15,000. Use Financial Statement, form CC-DR-031, if your case addresses alimony, property distribution, or child support and your combined monthly income is more than \$15,000.

Finally, if you cannot afford to pay the court filing fees, you may submit a Request for Waiver of Prepayment of Prepaid Costs, form CC-DR-089. You may also want to watch the *My Laws, My Courts, My Maryland* video *Can't Afford Court Filing Fees?*

That's a lot of forms. We know. Fortunately, there is help if you struggle completing these forms.

### **CHAPTER HEADING FULL SCREEN TEXT: SELF-HELP CENTERS**

You can speak to or chat live with lawyers at the Maryland Courts Self-Help Center on most weekdays from 8:30 a.m. to 8 p.m. These lawyers cannot represent you in court, but they can give you brief advice on how to complete divorce forms. They may also help you determine which forms you must complete. Call at 410-260-1392. Or chat live at [www.mdcourts.gov/selfhelp](http://www.mdcourts.gov/selfhelp).

### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, if you want to open a divorce case, you must file either a Complaint for Limited Divorce or a Complaint for Absolute Divorce. If you want to respond to a divorce case opened by your spouse, file an Answer or a Counter-Complaint for Absolute Divorce. Both spouses must complete a Financial Statement. Together, you must complete a Joint Statement of Parties Concerning Marital and Non-Marital Property. If you can't afford to pay the filing fees and court costs, you may submit forms to request a fee waiver. Finally, if you need help with the forms, lawyers at the Maryland Courts Self-Help Center are available most weekdays until 8 p.m. at 410-260-1392.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about the forms required in a divorce case has been helpful.

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A Maryland Judiciary Production  
*My Laws, My Courts, My Maryland*  
**Divorce (Part 9): How to File for Divorce**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the steps involved in filing a divorce case. First, we will go over how to start or open a divorce case. We'll talk about an important step called service of process, which is how you deliver divorce papers to your spouse. We will cover how to respond to or answer a complaint for divorce if you receive one. We'll also explain a default judgment, which may happen if a deadline is missed. Finally, we'll give you some resources where you can get legal help filing for divorce.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse share, you should also view the series on Child Custody. You will be learning a lot of new terms, so consider using the Tip Sheet and taking notes. Let's get started with a discussion of how to open a divorce case.

**CHAPTER HEADING FULL SCREEN TEXT – GETTING STARTED**

If you want to start a divorce case, file documents asking the court to open a case. Use form CC-DR-020 to ask the court for an absolute divorce. Use form CC-DR-021 if you want a limited divorce. Part 1 in this series goes over the types of divorce. If you are the person filing the initial Complaint, you must pay a filing fee. However, you may ask the court to waive the fee if you can't afford it. Submit completed fee waiver forms with your Complaint. You may want to watch the *My Laws, My Courts, My Maryland* video called *Can't Afford Court Filing Fees?*

File your divorce documents in the circuit court in the county where you or your spouse live. Part 2 of this series talks about residency requirements for a Maryland divorce. Make enough copies of your court documents for your spouse and be sure to keep at least one copy for yourself. Ask the court clerk to put a date-stamp on your copies.

You also need to understand Service of Process.

**CHAPTER HEADING FULL SCREEN TEXT: SERVICE OF PROCESS**

The spouse filing the initial Complaint must provide a copy to his or her spouse. This is known as service of process or, more simply, "service." You are responsible for making sure that the court papers are properly served. There are special rules. For instance, you may not give copies to your spouse yourself. Someone must do it on your behalf. You must also send to the court proof that your spouse received copies. Do not overlook this crucial step. There's another video with details on service. It's called *Service of Process*.

Next, let's talk about Answering a Complaint

**CHAPTER HEADING FULL SCREEN TEXT: ANSWERING A COMPLAINT**

Perhaps you received a copy of a Complaint for Divorce filed with the court. If you live in Maryland, you have 30 days to respond. You have 60 days if you live in another state. If you were served outside the United States, you have 90 days. Use form CC-DR-050 to file your Answer within the deadline. In the

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Answer, check the boxes to admit or deny the statements made by your spouse on his or her Complaint. The Answer form also has space where you can tell the court what YOU want. You may also consider filing a Counter-Complaint for Absolute Divorce. This is form CC-DR-094. Use this form if the divorce order you want is significantly different than what your spouse has requested. Finally, make sure to mail copies of everything you file with the court to your spouse. Let the court know that you sent a copy of these documents to the other person by completing the Certificate of Service section at the end of the Answer or Counter-Complaint form.

At times you may want to seek legal help.

#### **CHAPTER HEADING FULL SCREEN TEXT – LEGAL HELP**

Divorce cases can be complex. Consider having a lawyer represent you, especially if your spouse has a lawyer. If you can't afford one, look for free or low-cost legal help. We have a video for that, too. It's called [Finding Legal Help in a Civil Case](#). Consider using the Maryland Courts Self-Help Center. This is a free service. You can speak on the phone with a lawyer at the Self -Help Center by calling 410-260-1392. Or, chat with a lawyer at [mdcourts.gov/selfhelp](http://mdcourts.gov/selfhelp).

Most Circuit Courts also have free walk-in clinics or Family Law Self-Help Centers. That's where you can meet briefly with a lawyer and get legal advice and help filling out forms.

During your case, it is important to stay on top of deadlines so you are not in default.

#### **CHAPTER HEADING FULL SCREEN TEXT - DEFAULT**

What happens if the deadline passes with no Answer filed? At that point, the spouse who filed the initial Complaint may file a request for a finding of default. If the court is convinced that service was properly made, it will issue an Order of Default. That order permits the divorce case to be heard and concluded without the participation of the other party. The court will not issue an Order of Default if the other side is unavailable because they are on active military duty.

#### **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, file a Complaint to ask the court for a limited or absolute divorce. The spouse who files the initial complaint must serve it on his or her spouse. If you have received a divorce complaint, file your Answer within the deadline. Divorce cases can be complex. If you can't hire a lawyer, find some legal help. Finally, the court may grant an Order of Default if an Answer is not filed on time.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about how to file for divorce has been helpful.