

A Maryland Judiciary Production
My Laws, My Courts, My Maryland

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.