

COMPLAINT FOR LIMITED DIVORCE INSTRUCTIONS FOR COMPLETING DOM REL 21

If you do not want the court to grant you a complete dissolution (ending) of a marriage or if you do not have grounds for an absolute divorce, but you have issues you want the court to settle, then you can ask for a **limited divorce**. There are two ways you can do this: (1) obtain the services of an attorney to handle your case; or (2) file the case yourself by using the DOM REL forms. After a court issues a **JUDGMENT OF LIMITED DIVORCE**, you cannot remarry unless you later get an absolute divorce. You do **not** need to get a limited divorce in order to get an absolute divorce later on.

YOU MAY NEED AN ATTORNEY IF:

- the case is contested and your spouse has a lawyer.
- you cannot locate your spouse to serve him or her with your papers.
- you or your spouse have a house, a pension, or a large amount of property or income. Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.
- you and your spouse do not agree on who should have custody of the children.
- you think the court will need information that you cannot get.

WHERE TO FILE: You should file in the county in which you live, or in which the defendant lives or works. You do **not** have to file in the county in which you are married, if you no longer live there.

There are 9 steps you must follow in order to file the case yourself:

> STEP 1 — Completion of Form DOM REL 21.

Page 1: Fill in both your name, as Plaintiff, and your spouse's name, as Defendant. Then fill in **current** addresses and telephone numbers for both. If you do not have an address for the other side and have done everything you can to find the address, call the Legal Forms Helpline (1-800-818-9888) to see if resources are available in your county to help you. **Do not** fill in where it says "Case No."

Line 1: After printing your name in the space provided, fill in the month, day and year of your marriage. In the second blank, fill in the city or county and the state where you were married. Check off whether you were married in a religious or a civil ceremony.

Line 2: Check off all statements that apply in your case and fill in the blanks.

Line 3: If you check off, “We have no children together...,” remember to skip lines 5 and 6.

If you check off, “My spouse and I are the parents...,” write in the full names of all the children you and your spouse have together and their dates of birth.

Line 4: Fill in information about any court cases which have involved either yourself, the opposing party, or one of the children involved in this case. Provide information cases which may have been handled by this court, or any other court both in Maryland and outside the State.

Line 5: List cases concerning custody or visitation of the children where you have participated as a party, a witness or in some other manner.

Page 2:

Line 6: List any other people who may believe they have a right to legal or physical custody or visitation with the children.

Line 7: Fill in the name of the person the children listed above live with now.

Line 8: List all other places where the children have lived for the last 5 years. Include the time period, place lived, person with whom they lived, and that person’s current address.

Line 9: Check the box for the type of custody or visitation you want and fill in the names of the children involved.

Line 10: Check off whether or not you are seeking alimony. If you are seeking alimony, state why.

Line 11: If you are asking the court to make a decision about your property, check off the kinds of property you and your spouse have. If you or your spouse have debts, you may check the box marked “Debts” and attach a list of the debts to this form.

NOTE: Normally the court cannot order one party to pay the debts of another. However, the court may need to know what debts you have in order to determine the value of any marital property.

Line 12: Check each ground for limited divorce that applies and fill in the blanks. (The list begins on Page 2 of the form and continues on Page 3). Choosing a certain ground or grounds will not necessarily result in a limited divorce being granted.

- **Cruelty/Excessively Vicious Conduct Against Me** - If your spouse has endangered your safety or health more than once, check this ground. However, one incident may be enough if it was very violent and your spouse intended to harm you. The court will want you to prove that you cannot live safely with your spouse.

- **Cruelty/Excessively Vicious Conduct Against My Children** - This ground is the same as the above ground except that your spouse is being cruel to your child(ren) instead of you.
- **Actual Desertion** - If your spouse has left you with the intention of ending the marriage and you and your spouse have not had sexual intercourse with each other since that time, you may check this ground.
- **Constructive Desertion** - If your spouse has forced you to leave the home by making it impossible for the two of you to live together in safety with health, and with self-respect and you and your spouse have not had sexual intercourse with each other since you left, you may check this ground.
- **Voluntary Separation** - You and your spouse have agreed to separate with the intention of ending your marriage. You and your spouse live in separate homes and have not had sexual intercourse with each other. There is no reasonable hope of your getting back together. If all of these statements are true, then you may check this ground.

Page 3:

Under the section that begins “FOR THESE REASONS. . . “, check off everything you want.

The court will not necessarily give you what you asked for.

Complete the affirmation at the bottom of the page, then date and sign the form.

> STEP 2 — Other Court Documents.

In addition to this form you may also need to complete and attach to the Complaint a:

1. Property Settlement Agreement, if you have one;
2. Financial Statement for Alimony or Child Support, DOM REL 30 or DOM REL 31, ONLY if you are requesting alimony or have children, but no child support order.

> STEP 3 — Filing Fee.

Payment of a filing fee is generally required for filing these papers with the court. See *General Instructions*.

> STEP 4 — Filing Your Forms.

Take the completed documents to the Clerk of the Court. Make sure to get the case number.

> STEP 5 — Service.

You will need to have the other party properly served with a copy of all the papers you are filing **AND** with a Writ of Summons which is provided by the Civil Clerk of this Court. See *General Instructions*.

> **STEP 6 — Request for Default if No Answer Filed.**

If your spouse is served:	Your spouse should answer within:
in Maryland	30 days after service
in another state	60 days after service
in another country	90 days after service

If your spouse has not filed an answer by the required time, file a Request for Order of Default, DOM REL 54.

> **STEP 7 — Request for Hearing or Proceeding.**

After you have received an Answer or an Order of Default, file a Request for Hearing or Proceeding, DOM REL ___, so that a court date will be set. See *General Instructions*.

> **STEP 8 — Child Support.**

If there are children of this marriage, you may have to fill out a CHILD SUPPORT GUIDELINES WORKSHEET. Ask the Clerk of the Court how to get one.

> **STEP 9 — Hearing.**

At the hearing for Limited Divorce, you will need a **corroborative witness**. This is a person who testifies for you and backs up your story. The witness gives his/her testimony based on the facts he/she saw or heard. An important exception is that your witness can testify to what your spouse (but not you), told him/her.

UNCONTESTED MATTER: A commonly used uncontested ground is:

Voluntary Separation: Your witness should be someone who knows you well and has frequent contacts with you. Your witness must testify under oath that he/she knows:

- you and your spouse;
- you are married to each other;
- you and your spouse **BOTH** voluntarily agreed to separate;
- you and your spouse are separated;
- there is no reasonable hope of your getting back together;

- if there is an order of default, whether or not your spouse is in the military.

If you and your spouse signed a separation agreement under oath (sworn) which says that you separated “mutually and voluntarily” as of a certain date, then your witness does not have to know it was voluntary. Even if you have this type of separation agreement, you will still need a witness to testify to the other requirements.

CONTESTED MATTER: IF YOU HAVE ANY CONTESTED MATTERS, YOU SHOULD GET THE ASSISTANCE OF AN ATTORNEY WELL BEFORE THE COURT DATE.

Circuit Court for _____

City or County

CIVIL-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER: _____ (Clerk to insert)

CASE NAME: _____ v _____
Plaintiff Defendant

PARTY'S NAME: _____ PHONE: () _____
(Daytime phone)

ADDRESS: _____

PARTY'S ATTORNEY'S NAME: _____ PHONE: () _____

ATTORNEY'S ADDRESS: _____

I am not represented by an attorney

RELATED CASE PENDING? Yes No If yes, Court and Case #(s), if known: _____

Special Requirements? Interpreter/communication impairment Which language _____
 (Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____

ADA accommodation: _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation Yes No C. Settlement Conference Yes No

B. Arbitration Yes No D. Neutral Evaluation Yes No

IS THIS CASE CONTESTED? Yes No If yes, which issues appear to be contested?

Ground for divorce

Child Custody Visitation

Child Support

Alimony Permanent Rehabilitative

Use and possession of family home and property

Marital property issues involving:

Valuation of business Pensions Bank accounts/IRA's Real Property

Other: _____

Paternity

Adoption/termination of parental rights

Other: _____

Request is made for: Initial order Modification Contempt Absolute Divorce Limited Divorce

For non-custody/visitation issues, do you intend to request:

Court-appointed expert (name field) _____ Mediation by a Court-sponsored settlement program

Initial conference with the Court Other: _____

For custody/visitation issues, do you intend to request:

Mediation by a private mediator Appointment of counsel to represent child (not just to waive psychiatric privilege)

Evaluation by mental health professional

Other Evaluation _____ A conference with the Court

Is there an allegation of physical or sexual abuse of party or child? Yes No

CASE NAME: _____ V _____ CASE NUMBER: _____
Plaintiff Defendant (Click to insert)

TIME ESTIMATE FOR A MERITS HEARING: _____ hours _____ days

TIME ESTIMATE FOR HEARING OTHER THAN A MERITS HEARING: _____ hours _____ days

Signature of Counsd/Party

Date

Print Name

Street Address

City/State/ZIP

Circuit Court for _____ **Case No.** _____
City or County

Name _____					Name _____				
Street Address _____				Apt. # _____	Street Address _____				Apt. # _____
City _____	State _____	Zip Code _____	Area Code _____	Telephone _____	City _____	State _____	Zip Code _____	Area Code _____	Telephone _____

Plaintiff

Defendant

COMPLAINT FOR LIMITED DIVORCE
(DOM REL 21)

I, _____, representing myself, state that:
Your Name

1. The Defendant and I were married on _____
Month Day Year
in _____ in a civil religious ceremony.
City/County/State where Married (Check One)

2. Check all that apply:

- I have lived in Maryland since: _____
Month/Year
- My spouse has lived in Maryland since: _____
Month/Year
- The grounds for divorce occurred in the State of Maryland.

3. Check one:

- We have no children together (skip paragraphs 5 and 6) or
- My spouse and I are the parents of the following child(ren):

_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
Name	Date of Birth	Name	Date of Birth

4. I know of the following related cases concerning the child(ren) or parties (such as domestic violence, paternity, divorce, custody, visitation, termination of parental rights, adoption or other cases):

<u>Court</u>	<u>Case No.</u>	<u>Kind of Case</u>	<u>Year Filed</u>	<u>Results or Status (if known)</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. I have been a party, witness, or otherwise involved in the following cases about custody or visitation of the child(ren) :

<u>State</u>	<u>Court</u>	<u>Case No.</u>	<u>Date of Child Custody Determination</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Attach the most recent court order for the above-referenced court cases.

6. I know of the following people, not parties to this case, who have physical custody of, or claim rights of legal custody or physical custody of, or visitation with the child(ren) :

_____	_____
Name	Current Address
_____	_____
Name	Current Address
_____	_____
Name	Current Address

7. The child(ren) are currently living with: _____
Name

8. The child(ren) have lived in the following places, with the persons indicated during the last five years:
Time Period **Place** **Name(s)/Current Address of Person(s) with whom Child Lived**

_____	_____	_____
_____	_____	_____

9. It is in the best interests of the child(ren) that I have (*check all that apply*):
 joint sole (*check one*) physical custody of _____
Name of Children
 joint sole (*check one*) legal custody of _____
Name of Children
 visitation with _____
Name of Children

10. I am am not (*check one*) seeking alimony because _____

11. (You do not have to complete paragraph 11 if you are not asking the court to make decisions about your property.) My spouse and/or I have the following property (*check all that apply*)
 Motor Vehicle(s) Bank account(s) and investment(s)
 Furniture Other _____

12. My grounds for limited divorce are: (*check all that apply*)
 Cruelty/Excessively Vicious Conduct Against Me - My spouse has persistently treated me cruelly and has engaged in excessively vicious conduct rendering continuation of the marital relationship impossible if I am to preserve my health, safety, and self-respect.
 Cruelty/Excessively Vicious Conduct Against My Children - My spouse has persistently treated my minor child(ren) cruelly and has engaged in excessively vicious conduct against them rendering continuation of the marital relationship impossible if I am to preserve my minor child(ren)'s health, safety, and self-respect.
 Actual Desertion - On or about _____, my spouse, without just cause or reason, abandoned and deserted me, with the intention of ending our marriage. This abandonment has continued without interruption up to and including the time of filing of this complaint.
 Constructive Desertion - I left my spouse because his/her cruel and vicious conduct made the continuation of our marriage impossible, if I were to preserve my health, safety, and self-respect. This conduct was the final and deliberate act of my spouse and our separation has continued without interruption up to and including the time of the filing of this complaint.

Voluntary Separation - From on or about _____, my spouse and I by mutual and voluntary agreement have lived separate and apart from one another in separate residences, without interruption, without sexual intercourse, with the express purpose and intent of ending our marriage, and there is no reasonable expectation that we will reconcile.

Month/Day/Year

FOR THESE REASONS, I request (*check all that apply*):

A Limited Divorce.

- Sole Joint physical custody of the minor child(ren).
(Check One)
- Sole Joint legal custody of the minor child(ren).
(Check One)
- Visitation with the minor child(ren).
- Child support (Attach Form DOM REL 30 or DOM REL 31).
- Health insurance for the child(ren).
- Health insurance for me.
- Use and possession of the family home for up to three years from the date of the limited divorce.
- Use and possession of the family use personal property for up to three years from the date of the limited divorce.
- Alimony (Attach Form DOM. REL. 31).
- Resolution of personal property issues.
- Any other appropriate relief.

I, _____, solemnly affirm under the penalties of perjury, that the contents of this document are true to the best of my knowledge, information and belief.

Your Name

_____ Date

_____ Signature

Circuit Court for _____ **Case No.** _____
City or County

Name _____

Name _____

VS.

Street Address _____ Apt. # _____

Street Address _____ Apt. # _____

City _____ State _____ Zip Code _____
()
 Area Code Telephone

City _____ State _____ Zip Code _____
()
 Area Code Telephone

Plaintiff

Defendant

FINANCIAL STATEMENT OF _____
(Name)

(Long)
(DOM REL 31)

Children	Age

MONTHLY EXPENSES

ITEM	SELF	CHILDREN	TOTAL
A. PRIMARY RESIDENCE			
Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Taxes			
Gas & Electric			
Electric Only			
Heat (Oil)			
Telephone			
Trash Removal			
Water Bill			

Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			
Condo Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			
B. SECONDARY RESIDENCE (i.e. Summer Home/Rental)			
Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Gas & Electric			
Electric Only			
Heat (Oil)			
Telephone			
Trash Removal			
Water Bill			
Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			

Condo Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			
C. OTHER HOUSEHOLD NECESSITIES			
Food			
Drug Store Items			
Household Supplies			
Other:			
SUB TOTAL			
D. MEDICAL/DENTAL			
Health Insurance			
Therapist/Counselor			
Extraordinary Medical			
Dental/Orthodontia			
Ophthalmologist/Glasses			
Other:			
SUB TOTAL			
E. SCHOOL EXPENSES			
Tuition/Books			
School Lunch			

Extracurricular Activities			
Clothing/Uniforms			
Room & Board			
Daycare/Nursery School			
Other:			
SUB TOTAL			
F. RECREATION & ENTERTAINMENT			
Vacations			
Videos/Theater			
Dining Out			
Cable TV/Internet			
Allowance			
Camp			
Memberships			
Dance/Music Lessons etc.			
Horseback Riding			
Other:			
SUB TOTAL			
G. TRANSPORTATION EXPENSE			
Automobile Payment			
Automobile Repairs			
Maintenance/Tags/Tires/etc.			
Oil/Gas			
Automobile Insurance			
Parking Fees			
Bus/Taxi			

Other:			
SUB TOTAL			
H. GIFTS			
Holiday Gifts			
Birthdays			
Gifts to Others			
Charities			
SUB TOTAL			
J. CLOTHING			
Purchasing			
Laundry			
Alterations/Dry Cleaning			
Other:			
SUB TOTAL			
K. INCIDENTALS			
Books & Magazines			
Newspapers			
Stamps/Stationary			
Banking Expense			
Other:			
SUB TOTAL			
L. MISCELLANEOUS/OTHER			
Alimony/Child Support (from a previous Order)			
Religious Contributions			

Hairdresser/Haircuts			
Manicure/Pedicure			
Pets/Boarding			
Life Insurance			
Other:			
SUB TOTAL			
TOTAL MONTHLY EXPENSES:			

Number of Dependent Children _____

INCOME STATEMENT

GROSS MONTHLY WAGES:		\$
Deductions:		
Federal	\$	
State	\$	
Medicare	\$	
F.I.C.A.	\$	
Retirement	\$	
Total Deductions:	\$	
NET INCOME FROM WAGES:		
OTHER GROSS INCOME:(alimony, part-time job, rentals, etc.)		\$
Deductions:		
a.	\$	
b.	\$	
c.	\$	
Total deductions from Other income:	\$	
NET OTHER INCOME:		
TOTAL MONTHLY INCOME:		

ASSETS & LIABILITIES

ASSETS:		
Real Estate	\$	
Furniture (in the marital home)	\$	
Bank Accounts/Savings	\$	
U.S. Bonds	\$	
Stocks/Investments	\$	
Personal Property	\$	
Jewelry	\$	
Automobiles	\$	
Boats	\$	
Other:	\$	
TOTAL ASSETS:		\$
LIABILITIES:		
Mortgage	\$	
Automobiles	\$	
Notes Payable to Relatives	\$	
Bank Loans	\$	
Accrued Taxes	\$	
Balance of Credit Card Accounts	\$	
a.		
b.		

c.		
Other:		
TOTAL LIABILITIES:		\$
TOTAL NET WORTH:		\$
SUMMARY:		
TOTAL INCOME:		\$
TOTAL EXPENSES:		\$
EXCESS OR DEFICIT:		\$

I solemnly affirm under the penalties of perjury that the contents of the foregoing Financial Statement, Monthly Expense List and Assets and Liabilities Statement are true to the best of my knowledge, information, and belief.

Date

Signature