

## **COMPLAINT FOR LIMITED DIVORCE INSTRUCTIONS FOR COMPLETING CC-DR-021**

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 Domestic Relations 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 nine (9) steps you must follow in order to file the case yourself:**

#### **>STEP 1 - Completion of Form CC-DR-021 .**

**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 Maryland Courts Self-Help Center (410-260-1392) 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.

**Line 2:** Check whether you were married in a religious or a civil ceremony.

**Line 3:** Check off all statements that apply in your case and fill in the blanks. Please refer to page 2, line 13 for a list of grounds for Limited Divorce.

**Line 4:** If you check box for, "We have no children together....," remember to skip lines 6 through 10.

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 5:** 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.

**Page 2:**

**Line 6:** List cases concerning custody or visitation of the children where you have participated as a party, a witness or in some other manner.

**Line 7:** List any other people who may believe they have a right to legal or physical custody or visitation with the children.

**Line 8:** Fill in the name of the person the children listed above live with now.

**Line 9:** List all other places where the children have lived for the last five (5) years. Include the time period, place lived, person with whom they lived, and that person's current address.

**Line 10:** Check the box for the type of custody or visitation you want and fill in the names of the children involved.

**Line 11:** Check whether or not you are seeking alimony. If you are seeking alimony, state why.

**Line 12:** 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 13:** 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.

**Page 3:**

- | **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.

- l **Constructive Desertion** - If your spouse's actions have terminated the husband and wife relationship and made it impossible for you to continue the marriage and preserve your health, safety, and self-respect, and you have not had sexual relations with your spouse since the alleged actions, you may check this ground.
  
- l **Separation** - You and your spouse have lived separate and apart. You and your spouse live in separate homes and have not had sexual intercourse with each other. If all of these statements are true, then you may check this ground.

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 State for Alimony or Child Support, CC-DR-030 or CC-DR-031, 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 (CC-DRIN)**.

**>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 (CC-DRIN)**.

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

If your spouse is served: in Maryland in another state in another country	Your spouse should answer within: 30 days after service 60 days after service 90 days after service
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If your spouse has not filed an answer by the required time, file a Request for Order of Default, CC-DR-054.

**>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, CC-DR-059, so that a court date will be set. See *General Instructions (CC-DRIN)*.

**>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:

**Separation:** Your witness should be someone who knows you well and has frequent contact 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 are separated;
- | there is no reasonable hope of your getting back together;

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.**