

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

This video covers the legal reasons or “grounds” for divorce. It defines the three grounds for limited divorce (separation, cruelty and excessively vicious conduct, and desertion) and four additional grounds for an absolute divorce (Adultery, imprisonment for a crime, and insanity). The absolute divorce ground of mutual consent is covered in Part 3.

Grounds for Limited Divorce

- **Separation:** 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.
- **Cruelty and excessively vicious conduct:** Your spouse physically abuses or mentally injures you or your minor children. Consider this ground if continuing the marriage is impossible without jeopardizing your health, safety, or well-being.
- **Desertion:**
 - **Actual desertion:** One spouse unjustifiably abandons the other spouse with the intention of ending their marriage.
 - **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.

Grounds for Absolute Divorce (*in addition* to Desertion and Cruelty listed above)

- **Mutual consent:** See Part 3 in the *Divorce* series, titled *Mutual Consent*.
- **Separation:** 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. Be sure to add at least one day on your paperwork (October 13, 2018, to October 14, 2018).
- **Adultery:** One spouse must prove that the other spouse had the disposition and an opportunity for adultery. With adultery, you may file for divorce as soon as it is discovered.
- **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:** 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.

Residency Requirement

- 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.



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