

# Divorce 3 (Mutual Consent Ground for Divorce)

Starting October 1, 2023, Maryland law on divorce has changed. This tip sheet discusses one of the grounds for divorce called mutual consent. The law on mutual consent divorce did not change October 1, 2023. This tip sheet is up to date with the law.

## Written Settlement 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, including alimony, marital property, and the care, custody, and support of minor children.
- If your agreement provides for child support, attach a child support guidelines worksheet. If you and your spouse's combined monthly income is \$30,000 or less, use form CC-DR-030. If your combined monthly income is more than \$30,000, use form CC-DR-031.
- Include details on marital property, including the family home and car. Only certain property is considered "marital property" and subject to distribution in a divorce. Watch Part 5 in this series, *How the Court Divides Jointly-Owned Belongings*.
- Your agreement must state whether or not one spouse will financially support the other spouse with alimony, or spousal support. Consider including information on health insurance benefits

## 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.
- Speak to a free lawyer at the Maryland Court Help Center. These lawyers can't represent you in court, but they can give you brief advice. Call 410-260-1392.
- Consider mediation. In mediation, a trained neutral person will sit 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.
- Once you have a signed agreement, file it with the court. The court will review the document and then schedule a hearing.

## Court Hearing

- At least one spouse must appear at a hearing. The court will notify you of the hearing date. If something changes, you or your spouse may ask the court to set aside the Settlement Agreement to stop the divorce from proceeding.
- 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.



**Maryland Court Help**

**Free. Online. In Person. By Phone.**