

Divorce 1: What Type of Divorce Do I Need?

There is now only one type of divorce in Maryland -- absolute divorce. Starting October 1, 2023, Maryland courts cannot grant a limited divorce. Maryland law on separation changed as well. This tip sheet is up to date with the law.

Absolute Divorce

- Divorce, also called absolute divorce, ends a marriage. The court will enter an order called a divorce decree. After the court enters your divorce order, you and your spouse may remarry.
- You will resolve all issues related to alimony, child custody, child support, and division of property.

Separation

- There is no such thing as a “legal separation” in Maryland. If you and your spouse live separate and apart with the intention of ending your marriage, that constitutes a separation. You can still live under the same roof but must pursue separate lives.
- Separation can be a legal reason for divorce, depending on how long you and your spouse are separated. You and your spouse must be separated for at least six months before filing for divorce based on separation.
- If you live separate and apart from your spouse because of a court order, that counts as separation. For example, the court may order one spouse to leave the home in a protective order (domestic violence).
- Some couples choose to enter into a separation or marital settlement agreement before they file for divorce, or while they are waiting for their divorce to be final. This agreement is a contract between you and your spouse and may address issues such as child custody, child support, spousal support, property use, ownership or distribution of a home, car or personal property. A signed agreement can also be incorporated into the final divorce decree so that it is also enforceable as a court order.
- Craft an agreement with the help of a mediator or your lawyers. If you enter into an agreement and you do not have a lawyer, consider having it reviewed by a lawyer before you sign it.



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