

## **Divorce Part 1. The Basics**

Hello. In this video series, you'll learn about the divorce process in Maryland. In this video, Part 1, we'll cover the basics: the residency requirement, grounds for divorce, and how to file for divorce. Let's get started.

### **CHAPTER HEADING: THE BASICS**

Divorce, also called absolute divorce, is a legal process that formally ends a marriage and allows former spouses to marry other people. Divorce is different from annulment, a rare occurrence in which the court establishes that your marriage was invalid.

To finalize a divorce, the court will issue an order called a divorce decree or judgment of divorce. The decree will settle issues related to alimony, also called spousal support, and how to divide marital property, which is property you and your spouse acquired during your marriage. If you and your spouse have children together, the decree can also address child support and custody. Custody is also referred to as parenting time and decision-making authority. Addressing these issues in your divorce decree allows a court to take steps to enforce the terms of the decree if you or your spouse don't follow them.

There is a residency requirement to file for divorce in Maryland. You or your spouse must also show that there is a legal reason for divorce, called a ground. Let's talk about the residency requirement first.

### **CHAPTER HEADING: RESIDENCY REQUIREMENT**

To file for divorce in Maryland, you or your spouse must be a Maryland resident. If the ground, or reason, for divorce happened in Maryland, you can file anytime. If the ground happened outside of Maryland, one of you must have been living in Maryland for at least six months from when the divorce case is filed.

Now let's talk about the grounds for divorce.

### **CHAPTER HEADING: GROUNDS FOR DIVORCE**

There are three grounds. In order to get a divorce, you or your spouse must prove that at least one ground exists.

The first ground is a Six-Month Separation. For this ground, you and your spouse must live separate and apart, without any interruption, for at least six months before one of you files for divorce. This does not mean that you must live in separate homes, but it does mean that you must be living separate lives. The period of separation can also be the result of a court order, like a protective order.

The second ground is called Irreconcilable Differences. This means the person filing for divorce believes there is an issue or conflict that cannot be resolved and that it would be impossible to continue the marriage. There is no waiting period to file for a divorce on this ground.

The third ground for divorce is called Mutual Consent. This is an option if you and your spouse agree to divorce and have both signed a written agreement that settles all issues between you, like alimony, division of marital property, and support and custody of any children you have. Watch Part 3 of this series to learn more about mutual consent.

So how do you file for divorce?

### **CHAPTER HEADING: HOW DOES SOMEONE FILE FOR DIVORCE?**

You start by filing a Complaint for Absolute Divorce. You can use form CC-DR-020. That form lists documents you will need to attach to the complaint if you are asking for alimony, division of marital property, child support, or child custody. If you are filing based on the ground of mutual consent, you must file a signed marital settlement agreement. We go into more detail about these issues in the rest of this video series. Check it out.

When your complaint and all the attachments are ready, the next step is to file them in the circuit court where you or your spouse live or where your spouse works. Each county in Maryland and Baltimore City has a circuit court. Make two copies of all the papers you file. One copy is for you, and one is for your spouse. Expect to pay a filing fee. However, you may be eligible for a fee waiver based on your income. Visit [mdcourts.gov/feewaiver](http://mdcourts.gov/feewaiver) to learn more.

To learn what happens after someone files for divorce, watch part 2 of this series.

Those are the basics of divorce. If it doesn't sound that basic to you, you're not alone. This process can be complicated, especially if you and your spouse don't agree or if you have a house, retirement account, pension, or if someone wants alimony. A lawyer can walk you through your options and help make the process smoother. Talk to one for free by calling the Maryland Court Help Center at 410-260-1392 or visiting [mdcourts.gov/helpcenter](http://mdcourts.gov/helpcenter). I hope this has been helpful.