

Divorce Part 3: Mutual Consent

Hi there. In this video we'll talk about mutual consent, which is a specific ground or reason for divorce. We cover the other grounds for divorce in Part 1 of this series.

You and your spouse can divorce on the ground of mutual consent if you have a Marital Settlement Agreement. Let's talk about that agreement first. Later, we'll talk about mediation and your court hearing.

CHAPTER HEADING: MARITAL SETTLEMENT AGREEMENT

A marital settlement agreement is a written agreement that settles all issues between you and your spouse, including alimony, division of marital property, and the support and custody of any children you have together. To learn more about alimony, also called spousal support, watch Part 4 of this series. Part 5 explains how property can be divided in divorce, including documents you may need to attach to your agreement. If you and your spouse have children together, check out Part 6.

You and your spouse can create a marital settlement agreement together or a lawyer can help you draft one. You can use form CC-DR-116. If your agreement provides for child support, you'll need to attach a financial form called a child support guidelines worksheet. Use form CC-DR-030 if you and your spouse's combined gross monthly income – meaning your income before taxes – is \$30,000 or less. If your combined gross monthly income is more than \$30,000, use form CC-DR-031.

You and your spouse can also reach an agreement through mediation.

CHAPTER HEADING: MEDIATION

Mediation is a voluntary, confidential process for resolving disputes. You'll work with a trained neutral professional called a mediator. Their job is to help you and your spouse talk about what is important to each of you, explore your options and, hopefully, reach an agreement. The mediator will not give advice or make decisions for you. Visit mdcourts.gov/macro to learn more about mediation.

If you and your spouse are able to reach a marital settlement agreement that resolves all issues between you, congratulations! Before you sign it, you should each have it reviewed by different lawyers. They can help make sure your rights and interests are protected.

Your signed agreement can be filed with a Complaint for Absolute Divorce. If a complaint has already been filed on another ground for divorce, file your agreement with the court and ask for a divorce based on mutual consent instead. Talk to a lawyer about this.

The court will schedule a hearing. Let's talk about that now.

CHAPTER HEADING: HEARING

At least one spouse must attend the court hearing. The court will review your marital settlement agreement and ask you questions under oath. They will ask you to confirm that you and your spouse still agree to the terms of the agreement. If you and your spouse have children together and your agreement includes child support or custody, the court may have questions. This is because it needs to determine if the agreement is in your child or children's best interest.

If something changes before the hearing, and you don't want to move forward with the agreement, you or your spouse can ask the court in writing to set aside the marital settlement agreement. You should talk to a lawyer if this happens.

If the court is satisfied with your answers and your marital settlement agreement, it will issue a divorce decree, formally ending your marriage. The court can include the terms of your agreement in the final divorce decree. This lets the court enforce your agreement if you or your spouse don't follow it.

That's mutual consent in a nutshell. I hope this was helpful.