

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Divorce (Part 9): How to File for Divorce

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the steps involved in filing a divorce case. First, we will go over how to start or open a divorce case. We'll talk about an important step called service of process, which is how you deliver divorce papers to your spouse. We will cover how to respond to or answer a complaint for divorce if you receive one. We'll also explain a default judgment, which may happen if a deadline is missed. Finally, we'll give you some resources where you can get legal help filing for divorce.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse share, you should also view the series on Child Custody. You will be learning a lot of new terms, so consider using the Tip Sheet and taking notes. Let's get started with a discussion of how to open a divorce case.

CHAPTER HEADING FULL SCREEN TEXT – GETTING STARTED

If you want to start a divorce case, file documents asking the court to open a case. Use form CC-DR-020 to ask the court for an absolute divorce. Use form CC-DR-021 if you want a limited divorce. Part 1 in this series goes over the types of divorce. If you are the person filing the initial Complaint, you must pay a filing fee. However, you may ask the court to waive the fee if you can't afford it. Submit completed fee waiver forms with your Complaint. You may want to watch the *My Laws, My Courts, My Maryland* video called *Can't Afford Court Filing Fees?*

File your divorce documents in the circuit court in the county where you or your spouse live. Part 2 of this series talks about residency requirements for a Maryland divorce. Make enough copies of your court documents for your spouse and be sure to keep at least one copy for yourself. Ask the court clerk to put a date-stamp on your copies.

You also need to understand Service of Process.

CHAPTER HEADING FULL SCREEN TEXT: SERVICE OF PROCESS

The spouse filing the initial Complaint must provide a copy to his or her spouse. This is known as service of process or, more simply, "service." You are responsible for making sure that the court papers are properly served. There are special rules. For instance, you may not give copies to your spouse yourself. Someone must do it on your behalf. You must also send to the court proof that your spouse received copies. Do not overlook this crucial step. There's another video with details on service. It's called *Service of Process*.

Next, let's talk about Answering a Complaint

CHAPTER HEADING FULL SCREEN TEXT: ANSWERING A COMPLAINT

Perhaps you received a copy of a Complaint for Divorce filed with the court. If you live in Maryland, you have 30 days to respond. You have 60 days if you live in another state. If you were served outside the United States, you have 90 days. Use form CC-DR-050 to file your Answer within the deadline. In the

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Answer, check the boxes to admit or deny the statements made by your spouse on his or her Complaint. The Answer form also has space where you can tell the court what YOU want. You may also consider filing a Counter-Complaint for Absolute Divorce. This is form CC-DR-094. Use this form if the divorce order you want is significantly different than what your spouse has requested. Finally, make sure to mail copies of everything you file with the court to your spouse. Let the court know that you sent a copy of these documents to the other person by completing the Certificate of Service section at the end of the Answer or Counter-Complaint form.

At times you may want to seek legal help.

CHAPTER HEADING FULL SCREEN TEXT – LEGAL HELP

Divorce cases can be complex. Consider having a lawyer represent you, especially if your spouse has a lawyer. If you can't afford one, look for free or low-cost legal help. We have a video for that, too. It's called [Finding Legal Help in a Civil Case](#). Consider using the Maryland Courts Self-Help Center. This is a free service. You can speak on the phone with a lawyer at the Self -Help Center by calling 410-260-1392. Or, chat with a lawyer at mdcourts.gov/selfhelp.

Most Circuit Courts also have free walk-in clinics or Family Law Self-Help Centers. That's where you can meet briefly with a lawyer and get legal advice and help filling out forms.

During your case, it is important to stay on top of deadlines so you are not in default.

CHAPTER HEADING FULL SCREEN TEXT - DEFAULT

What happens if the deadline passes with no Answer filed? At that point, the spouse who filed the initial Complaint may file a request for a finding of default. If the court is convinced that service was properly made, it will issue an Order of Default. That order permits the divorce case to be heard and concluded without the participation of the other party. The court will not issue an Order of Default if the other side is unavailable because they are on active military duty.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

Remember, file a Complaint to ask the court for a limited or absolute divorce. The spouse who files the initial complaint must serve it on his or her spouse. If you have received a divorce complaint, file your Answer within the deadline. Divorce cases can be complex. If you can't hire a lawyer, find some legal help. Finally, the court may grant an Order of Default if an Answer is not filed on time.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about how to file for divorce has been helpful.