

Absolute Divorce

If there is no reasonable hope or expectation that you and your spouse will reconcile, you can file for an absolute divorce for any of the following reasons:

- **Separation.** You and your spouse have lived separately for at least 12 consecutive months without having a sexual relationship with each other. This means if you and your spouse lived together at all in the past year, or if you have had sex with your spouse even once during that time, you cannot get an absolute divorce on this ground.
- **Mutual Consent.** If you and your spouse do not have any minor children, have agreed in writing about all issues involving alimony and property, and submit the written agreement to the court when you both appear in court for a divorce hearing, then you may be granted an absolute divorce without being separated for at least a year.
- **Adultery.** Your spouse has engaged in sexual relations with someone other than you. You must be able to prove the adultery in court—mere suspicion is not enough. Your spouse must also be unable to show that you forgave or condoned the adultery.
- **Actual Desertion.** Your spouse left you without good reason, intending to end the marriage, and you have not had sexual relations for at least 12 consecutive months.

- **Constructive Desertion.** Your spouse's cruel or demeaning behavior toward you made it impossible to continue your marriage, so you left and the separation has continued for at least 12 consecutive months.
- **Criminal Conviction.** Your spouse was convicted of a crime, sentenced to at least three years, and has already served at least one year.
- **Cruelty or Excessively Vicious Conduct.** Your spouse has endangered your, or your child's, safety or health more than once and there is no reasonable hope for reconciliation.
- **Insanity.** Your spouse has been confined to a mental institution for more than three years and there is no hope for recovery.

Limited Divorce

You can ask for a limited divorce for any of the following reasons (for definitions, see absolute divorce):

Cruelty or Excessively Vicious Conduct, Actual Desertion, Constructive Desertion, or Separation. There is no minimum amount of time for which you and your spouse must be separated in order for you to file for limited divorce.

When you are granted an **absolute or limited divorce**, the judge may grant you any or all of the following:

- Custody of, or visitation with, the children;
- Child support;
- Use and possession of the family home and property for up to three years from the date of the divorce. This only applies if you have custody of the children of the marriage. It means you can live in the home with the children and use the property (like furniture, appliances, or a car), but you still own the home and property together with your spouse;
- Health insurance for you and/or your child; and
- Alimony.

In addition to those above, the judge may also grant you any or all of the following, but **only in an absolute divorce**:

- A change back to your former name, if you changed your name when you were married;
- Your share of the marital property or its value (marital property is anything that you or your spouse got during the marriage, except in specific

circumstances—it can be marital even if the property is in your spouse's name and not yours);

- Transfer of marital property from one spouse to the other; and
- Money.

To get more information on how to file for divorce, you can:

- Seek help from a legal services organization or a private attorney.
- Seek help from one of Maryland's Family Law Self-Help Centers. For a list of Centers with locations and hours, go to <http://mdcourts.gov/family/selfhelp.html> or call 410-260-1580.
- Call the Family Law Hotline at 1-800-845-8550.
- Visit <http://www.courts.state.md.us/family> for court forms and other legal resources.
- Visit <http://www.peoples-law.org> for general legal information.



Maryland Legal Aid: Who We Are

Maryland Legal Aid is a non-profit law firm dedicated to providing high-quality legal advocacy to protect and advance human rights for Maryland's most vulnerable low-income individuals, families and communities.

Know your rights!

This brochure is intended to give you general information about your rights, not specific legal advice. Every effort is made to keep this brochure up-to-date; however, the law sometimes changes. If you have specific legal questions or a pending legal case, you are strongly encouraged to contact an attorney for legal advice. You may be eligible for free legal services from Maryland Legal Aid or from another legal services organization.

There are two types of divorce in Maryland:

Absolute Divorce. An absolute divorce is divorce as it is commonly understood. You are no longer married and may remarry.

Limited Divorce. A limited divorce is what is sometimes known as a legal separation. When you are granted a limited divorce, you are still married, you cannot remarry, and any sexual relationship with someone other than your spouse is adultery.

For both types of divorce, if the grounds for the divorce occurred outside of Maryland, a spouse may not file for a divorce unless one of the spouses has resided in Maryland for at least 6 months prior to filing an application for divorce.

Maryland Legal Aid Offices

Allegany/Garrett

138 Baltimore Street
Suite 204
Cumberland, MD 21502
(301) 777-7474
(866) 389-5243

Anne Arundel/Howard

229 Hanover Street
Annapolis, MD 21401
(410) 972-2700
(800) 666-8330

3451 Court House Drive
2nd Floor
Ellicott City, MD 21043
(410) 480-1057

Baltimore City

500 E. Lexington Street
Baltimore, MD 21202
Telephone Intake:
(410) 951-7750
866-635-2948
Business Line:
(410) 951-7777
(800) 999-8904

Baltimore County

215 Washington Avenue
Suite 305
Towson, MD 21204
(410) 427-1800
(877) 878-5920

Cecil/Harford

103 S. Hickory Avenue
Bel Air, MD 21014
(410) 836-8202
(800) 444-9529

Lower Eastern Shore

Dorchester, Somerset,
Wicomico, Worcester
201 E. Main Street
Salisbury, MD 21801
(410) 546-5511
(800) 444-4099

Midwestern Maryland

Carroll, Frederick, Washington
22 S. Market Street
Suite 11
Frederick, MD 21701
(301) 694-7414
(800) 679-8813

Montgomery County

600 Jefferson Plaza
Suite 430
Rockville, MD 20852
(240) 314-0373
(855) 880-9487

Prince George's County

8401 Corporate Drive
Suite 200
Landover, MD 20785
(301) 560-2100
(888) 215-5316
(301) 560-2100

Southern Maryland

Calvert, Charles, St. Mary's
15045 Burnt Store Road
3rd Floor
Hughesville, MD 20637
(301) 932-6661
(877) 310-1810

Upper Eastern Shore

Caroline, Kent,
Queen Anne's, Talbot
106 N. Washington Street
Suite 101
Easton, MD 21601
(410) 763-9676
(800) 477-2543

STATEWIDE PROGRAMS & RESOURCES

Community Lawyering Initiative

(443) 451-2805

Farmworker Program

(800) 444-4099

Foreclosure

Legal Assistance Project

(888) 213-3320

Long-Term Care

Assistance Project

(866) 635-2948

Maryland Senior Legal

Helpline

(866) 635-2948

Veterans' Hotline

(443) 863-4040

TTY Users: Call Maryland
Relay, Dial 7-1-1

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Visit www.peoples-law.org for self-help legal information and community resources.

For more information visit www.mdlab.org.

Divorce
Basics

Maryland Family Law:

Divorce Basics

Advancing Human Rights and Justice for All in Maryland since 1911

