

There are three ways to file for divorce in Maryland.

If you no longer wish to be married to your spouse, you can file for an absolute divorce based on one of three no-fault grounds:

- 1. Mutual Consent:** You can file for divorce based on mutual consent if you and your spouse have a written agreement resolving all issues involving the care and custody of your children, child support, alimony, and division of marital property. You must present your written agreement to the court when you appear for a divorce hearing. There is no separation or waiting period requirement for a divorce based on mutual consent.
- 2. Separation:** You can file for divorce based on separation if you and your spouse have lived separate and apart for a period of at least six months. You and your spouse can be considered to be living separate and apart even while you live in the same home, so long as you and your spouse are pursuing separate lives. This likely includes sleeping in separate bedrooms, keeping separate finances, and no longer engaging in marital relations.

- 3. Irreconcilable Differences:** If you feel that your marriage cannot be repaired or reconciled, you can file for divorce based on the ground of irreconcilable differences. In your court filing, you will be asked to provide a brief reason as to why your marriage cannot be salvaged. There is no waiting or separation period requirement for a divorce based on irreconcilable differences.

Relief Available in a Divorce:

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

- Custody of or visitation with the minor children;
- Child support;
- Use and possession of the family home for up to three years, if you were given custody of the minor children;
- Alimony;
- Health insurance for you and/or your child;
- Your share of the marital property or its monetary value. Marital property includes assets purchased or acquired during the marriage, regardless of which spouse's name it is in. This includes real estate, money, furniture, automobiles, retirement assets, and other property; and
- A change back to your former name, if you changed your name when you got married.

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.

Maryland's divorce laws have changed.

On October 1, 2023, Maryland Divorce laws underwent major changes.

No More Limited Divorce: Prior to October 1, 2023, spouses were able to obtain a limited divorce (akin to a legal separation), but this remedy is no longer available in Maryland for cases filed after October 1, 2023.

Elimination of Fault-Based Divorce: Previously, a spouse could file for divorce by assigning their spouse a specific 'fault' that was the reason for the end of the marriage. Faults included cruelty, insanity, desertion, criminal conviction, and adultery. On October 1, 2023, fault-based grounds for divorce were removed from the law, and Maryland became a no-fault divorce state.

Shortened Separation Periods: As of October 1, 2023, spouses seeking a divorce on the basis of separation must have lived separately for at least six months prior to filing, but can be considered separated even while residing in the same home. Previously, the law required a separation period of one year, and spouses could not reside in the same household during that time. The new laws also created a no-fault ground called "irreconcilable differences" which does not require any separation or waiting period prior to filing.

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3451 Court House Drive
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(410) 480-1057

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Baltimore, MD 21202
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Baltimore County

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

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

