

COMPLAINT FOR ABSOLUTE DIVORCE INSTRUCTIONS FOR COMPLETING DOM REL 20

If you want the court to grant you a complete dissolution (ending) of a marriage, you are asking the court to grant you an absolute divorce. There are two ways you can get an absolute divorce: (1) obtain the services of an attorney to handle your case; or (2) file the case yourself by using the DOM REL forms. After a court issues a **JUDGMENT OF ABSOLUTE DIVORCE**, you can remarry.

YOU MAY NEED AN ATTORNEY IF:

- the case is contested and your spouse has a lawyer. (See p. 5 of these instructions for assistance in determining whether your case is uncontested.)
- you cannot locate your spouse to serve him or her with your papers.
- you or your spouse have a house, a pension, or a large amount of property or income. Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.
- you and your spouse do not agree on who should have custody of the children.
- you think the court will need information that you cannot get.
- you have been married for close to ten years. Being married for ten years may entitle you to certain benefits.

WHERE TO FILE: You should file in the county in which you live, or in which the defendant lives or works. You do **not** have to file in the county in which you are married, if you no longer live there.

There are 10 steps you must follow in order to file the case yourself:

> STEP 1 — Completion of Form DOM REL 20.

Page 1: Fill in both your name, as Plaintiff, and your spouse's name, as Defendant. Then fill in current addresses and telephone numbers for both. If you do not have an address for the other side and have done everything you can to find the address, call the Legal Forms Helpline (1-800-818-9888) to see if resources are available in your county to help you.

Line 1: After printing your name in the space provided, fill in the month, day and year of your marriage. In the second blank, fill in the city or county and the state where you were married. Circle whether you were married in a religious or a civil ceremony.

Line 2: Check off all statements that apply in your case and fill in the blanks.

Line 3: If you check off, “We have no children...,” remember to skip lines 5 and 6.

If you check off, “My spouse and I are the parents...,” write in the full names of all the children you and your spouse had together and their dates of birth.

Line 4: Fill in information about any court cases which have involved either yourself, the opposing party, or one of the children involved in this case. Provide information cases which may have been handled by this court, or any other court both in Maryland and outside the State.

Line 5: List cases concerning custody or visitation of the children where you have participated as a party, a witness or in some other manner.

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Line 6: List any other people who may believe they have a right to legal or physical custody or visitation with the children.

Line 7: Fill in the name of the person the children listed above live with now.

Line 8: List all other places where the children have lived for the last 5 years. Include the time period, placed lived, person with whom they lived, and that person’s current address.

Line 9: Check the box for the type of custody or visitation you want and fill in the names of the children involved.

Line 10: Check off whether or not you are seeking alimony. If you are seeking alimony, state why.

Line 11: If you are asking the court to make a decision about your property, check off the kinds of property you and your spouse have. If you or your spouse have debts, you may check the box marked “Debts” and attach a list of the debts to this form.

NOTE: Normally the court cannot order one party to pay the debts of another. However, the court may need to know what debts you have in order to determine the value of any marital property.

Line 12: Check each ground for divorce that applies and fill in the blanks. (The list begins on Page 3 of the form and continues onto Page 4). Choosing a certain ground or grounds will not necessarily result in a divorce being granted.

- **Two-year Separation** - If you and your spouse have lived apart from each other for at least two years without sexual intercourse with each other and there is no reasonable hope of getting back together, you may check this ground. There are some important things to remember: during the last two years, if you and your spouse lived together at all, or if you have had sexual intercourse with your spouse during

that time, or if you spent even one night under the same roof, you cannot get an absolute divorce based on a two-year separation. (For example, if you have been separated from your spouse for two years, but one night a year ago you had sexual intercourse with your spouse, then you have only been separated for one year.)

- **Voluntary Separation** - At least one year (12 months) ago, you and your spouse agreed to separate with the intention of ending your marriage. For that entire time you and your spouse lived in separate homes, did not spend a night under the same roof, and did not have sexual intercourse with each other. There can be no reasonable hope of getting back together. You may check this ground if all of these statements are true.
- **Adultery** - If your spouse has had voluntary sexual intercourse with a person other than you, you may check this ground for an absolute divorce. You must be able to prove that your spouse committed the act of adultery or that he or she had disposition and opportunity. Disposition is when your spouse and someone of the opposite sex acted romantically towards each other. Opportunity is a specific chance to have sexual intercourse with that person.
- **Actual Desertion** - If your spouse left you more than 12 months ago with the intention of ending the marriage and you and your spouse have not had sexual intercourse with each other during that time, you may check this ground.

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- **Constructive Desertion** - If at least one year ago your spouse forced you to leave the home by making it impossible for the two of you to live together in safety, with health, and with self-respect and you and your spouse have not had sexual intercourse with each other during this time, you may check this ground.
- **Criminal Conviction of a Felony or Misdemeanor** - This ground is explained on DOM REL 20.
- **Cruelty/Excessively Vicious Conduct Against Me or My Minor Child** - If your spouse has endangered your or your minor child's safety or health more than once and there is no reasonable hope that you and your spouse will get back together, you may check this ground. However, one incident may be enough if it was very violent and your spouse intended to harm you. The court will want you to prove that you cannot live safely with your spouse.
- **Insanity** - This ground is explained on DOM REL 20.

In the section that begins “FOR THESE REASONS. . .,” check off everything you want. **If you fail to ask for alimony and/or property before the divorce, you will never be able to get it. The court will not necessarily give you what you asked for.**

Complete the affirmation on the bottom of Page 3, then date and sign the form.

> STEP 2 — Other Court Documents.

In addition to this form you may also need to complete and attach to the Complaint a:

1. Property Settlement Agreement, if you have one;
2. Financial Statement for Alimony or Child Support, DOM REL 30 or DOM REL 31, ONLY if you are requesting child support and/or alimony.

> STEP 3 — Filing Fee.

Payment of a filing fee is generally required for filing these papers with the court. See ***General Instructions.***

> STEP 4 — Filing Your Forms.

Take the completed documents to the Clerk of the Court. Make sure to get the case number.

> STEP 5 — Service.

You will need to have the other party properly served with a copy of all the papers you are filing **AND** with a Writ of Summons which is provided by the Civil Clerk of this Court. See ***General Instructions.***

> STEP 6 — Request for Default if No Answer Filed.

If your spouse is served:

Your spouse should answer within:

in Maryland	30 days after service
in another state	60 days after service
in another country	90 days after service

If your spouse has not filed an answer by the required time, file a Request for Order of Default, DOM REL 54.

> STEP 7 — Request for Hearing or Proceeding.

After you have received an Answer or an Order of Default, file a Request for Hearing or Proceeding, DOM REL ___, so that a court date will be set. See ***General Instructions.***

> **STEP 8 — Marital and Non-marital Property.**

If property is an issue you may have to complete a Joint Statement of Parties Concerning Marital and Non-marital Property, DOM REL 33, before your court date.

> **STEP 9 — Child Support.**

If there are children of this marriage, you may have to fill out a CHILD SUPPORT GUIDELINES WORKSHEET. Ask the Clerk of the Court how to get one.

> **STEP 10 — Hearing.**

At the hearing for Absolute Divorce, you will need a corroborative witness. This is a person who testifies for you and supports your version of the facts. The witness gives his/her testimony based on the facts he/she saw or heard. An important exception is that your witness can testify to what your spouse (but not you), told him/her.

UNCONTESTED MATTER: Examples of the most commonly used uncontested grounds are:

Two-Year Separation: Your witness should be someone who knows you well and has frequent contacts with you. Your witness must testify under oath that he/she knows:

- you and your spouse are married to each other;
- you and your spouse have been separated for two years;
- there is no reasonable hope of your getting back together;
- if there is an order of default, whether or not your spouse is in the military.

Voluntary Separation: Your witness should be someone who knows you well and has frequent contacts with you. Your witness must testify under oath that he/she knows:

- you and your spouse;
- you are married to each other;
- you and your spouse **BOTH** voluntarily agreed to separate;
- you and your spouse have been separated for one year;
- there is no reasonable hope of your getting back together;
- if there is an order of default, whether or not your spouse is in the military.

If you and your spouse signed a separation agreement under oath (sworn), which says that you separated “mutually and voluntarily” as of a certain date (at least a year ago), then your witness does not have to know it was voluntary. Even if you have this type of separation agreement, you will still need a witness to testify to the other requirements.

CONTESTED MATTER: IF YOU HAVE ANY CONTESTED MATTERS, YOU SHOULD GET THE ASSISTANCE OF AN ATTORNEY WELL BEFORE THE COURT DATE.

Circuit Court for _____

City or County

CIVIL-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER: _____ (Clerk to insert)

CASE NAME: _____ v _____
Plaintiff Defendant

PARTY'S NAME: _____ PHONE: () _____ (Daytime phone)

ADDRESS: _____

PARTY'S ATTORNEY'S NAME: _____ PHONE: () _____

ATTORNEY'S ADDRESS: _____

I am not represented by an attorney

RELATED CASE PENDING? Yes No If yes, Court and Case #(s), if known: _____

Special Requirements? Interpreter/communication impairment Which language _____
 (Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____

ADA accommodation: _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation Yes No C. Settlement Conference Yes No

B. Arbitration Yes No D. Neutral Evaluation Yes No

IS THIS CASE CONTESTED? Yes No If yes, which issues appear to be contested?

Ground for divorce

Child Custody Visitation

Child Support

Alimony Permanent Rehabilitative

Use and possession of family home and property

Marital property issues involving:

Valuation of business Pensions Bank accounts/IRA's Real Property

Other: _____

Paternity

Adoption/termination of parental rights

Other: _____

Request is made for: Initial order Modification Contempt Absolute Divorce Limited Divorce

For non-custody/visitation issues, do you intend to request:

Court-appointed expert (name field) _____ Mediation by a Court-sponsored settlement program

Initial conference with the Court Other: _____

For custody/visitation issues, do you intend to request:

Mediation by a private mediator Appointment of counsel to represent child (not just to waive psychiatric privilege)

Evaluation by mental health professional

Other Evaluation _____ A conference with the Court

Is there an allegation of physical or sexual abuse of party or child? Yes No

Circuit Court for _____ **Case No.** _____
City or County

Name VS. _____
Name

Street Address Apt. # Street Address Apt. #

City State Zip Code Area Code Telephone City State Zip Code Area Code Telephone

Plaintiff

Defendant

COMPLAINT FOR ABSOLUTE DIVORCE
(DOM REL 20)

I, _____, representing myself, state that:
Your Name

1. The Defendant and I were married on _____
Month Day Year
in _____ in a civil religious ceremony.
City/County/State where Married (Check One)

2. *Check all that apply:*

- I have lived in Maryland since: _____
Month/Year
- My spouse has lived in Maryland since: _____
Month/Year
- The grounds for divorce occurred in the State of Maryland.

3. *Check one:*

- We have no children together (skip paragraphs 5 and 6) or
- My spouse and I are the parents of the following child(ren):

Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. I know of the following related cases concerning the child(ren) or parties (such as domestic violence, paternity, divorce, custody, visitation, termination of parental rights, adoption or other cases):

<u>Court</u>	<u>Case No.</u>	<u>Kind of Case</u>	<u>Year Filed</u>	<u>Results or Status (if known)</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

5. I have been a party, witness, or otherwise involved in the following cases about custody or visitation of the child(ren):

<u>State</u>	<u>Court</u>	<u>Case No.</u>	<u>Date of Child Custody Determination</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Attach the most recent court order for the above-referenced court cases.

6. I know of the following people, not parties to this case, who have physical custody of, or claim rights of legal custody or physical custody of, or visitation with the child(ren):

_____	_____
Name	Current Address
_____	_____
Name	Current Address
_____	_____
Name	Current Address

7. The child(ren) are currently living with: _____
Name

8. The child(ren) have lived in the following places, with the persons indicated during the last five years:
Time Period Place Name(s)/Current Address of Person(s) with whom Child Lived

_____	_____	_____
_____	_____	_____

9. It is in the best interests of the child(ren) that I have (*check all that apply*):

joint sole physical custody of _____
(Check One) Name of Children

joint sole legal custody of _____
(Check One) Name of Children

visitation with _____
Name of Children

10. I am am not seeking alimony because _____
(Check One)

11. (*You do not have to complete paragraph 11 if you are not asking the court to make decisions about your property.*) My spouse and/or I have the following property (check all that apply):

<input type="checkbox"/> House(s)	<input type="checkbox"/> Furniture
<input type="checkbox"/> Pensions	<input type="checkbox"/> Bank account(s) and investment(s)
<input type="checkbox"/> Motor Vehicle(s)	<input type="checkbox"/> Family Use Personal Property
<input type="checkbox"/> Debts (attach list)	<input type="checkbox"/> Other _____

12. My grounds for absolute divorce are: (*check all that apply*)

Two-Year Separation - From on or about _____, my spouse and I have lived separate and apart from each other in separate residences, without interruptions, without sexual intercourse, for more than two years and there is no reasonable expectation that we will reconcile.
Month/Day/Year

Voluntary Separation - From on or about _____, my spouse and I by mutual and voluntary agreement have lived separate and apart from one another in separate residences, without interruption, without sexual intercourse, for more than 12 months with the express purpose and intent of ending our marriage, and there is no reasonable expectation that we will reconcile.
Month/Day/Year

Adultery - My spouse committed adultery.

Actual Desertion - On or about _____, my spouse, without just cause or reason, abandoned and deserted me, with the intention of ending our marriage. This abandonment has continued without interruption for more than 12 months and there is no reasonable expectation that we will reconcile.
Month/Day/Year

- Constructive Desertion** - I left my spouse because his/her cruel and vicious conduct made the continuation of our marriage impossible, if I were to preserve my health, safety, and self-respect. This conduct was the final and deliberate act of my spouse and our separation has continued without interruption for more than 12 months and there is no reasonable expectation that we will reconcile.
- Criminal Conviction of a Felony or Misdemeanor** - On or about _____, my spouse was sentenced to serve at least three years or an indeterminate sentence in a penal institution and has served 12 or more months of the sentence.
Month/Day/Year
- Cruelty/Excessively Vicious Conduct Against Me or my minor child** - My spouse has persistently treated me or my minor child cruelly and has engaged in excessively vicious conduct rendering continuation of the marital relationship impossible if I am to preserve my health, safety, and self-respect, and there is no reasonable expectation that we will reconcile.
- Insanity** - On or about _____, my spouse was confined to a mental institution, hospital, or other similar institution and has been confined for 3 more years. Two doctors competent in psychiatry will testify that the insanity is incurable and there is no hope of recovery. My spouse or I have been a resident of Maryland for at least two years before the filing of this complaint.
Month/Day/Year

FOR THESE REASONS, I request (*check all that apply*):

- An Absolute Divorce
- A change back to my former name: _____
Full Former Name
- Sole Joint physical custody of the minor child(ren).
(Check One)
- Sole Joint legal custody of the minor child(ren).
(Check One)
- Visitation with the minor child(ren).
- Use and possession of the family home for up to three years from the date of the divorce.
- Use and possession of the family use personal property for up to three years from the date of the divorce.
- Child support (Attach Form DOM REL 30 or DOM REL 31).
- Health insurance for the child(ren).
- Health insurance for me.
- My share of the property or its value.
- Transfer of family use personal property.
- Transfer of the real property jointly owned by the parties located at _____
- Authorize _____ to purchase from _____ an interest in real property located at _____
- A monetary award (money) based on marital property.
- Alimony (Attach Form DOM. REL 31).
- Any other appropriate relief.

I, _____, solemnly affirm under the penalties of perjury, that the contents of this document are true to the best of my knowledge, information and belief.
Your Name

Date

Signature

Circuit Court for _____ **Case No.** _____
City or County

 Name

 Street Address Apt. #

 ()
 City State Zip Code Area Code Telephone

VS.

 Name

 Street Address Apt. #

 ()
 City State Zip Code Area Code Telephone

Plaintiff

Defendant

FINANCIAL STATEMENT OF _____
(Name)
(Long)
(DOM REL 31)

Children	Age

MONTHLY EXPENSES

ITEM	SELF	CHILDREN	TOTAL
A. PRIMARY RESIDENCE			
Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Taxes			
Gas & Electric			
Electric Only			
Heat (Oil)			
Telephone			
Trash Removal			
Water Bill			

Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			
Condo Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			
B. SECONDARY RESIDENCE (i.e. Summer Home/Rental)			
Mortgage			
Insurance (homeowners)			
Rent/Ground Rent			
Gas & Electric			
Electric Only			
Heat (Oil)			
Telephone			
Trash Removal			
Water Bill			
Cell Phone/Pager			
Repairs			
Lawn & Yard Care (snow removal)			
Replacement Furnishings/Appliances			

Condo Fee (not included elsewhere)			
Painting/Wallpapering			
Carpet Cleaning			
Domestic Assistance/Housekeeper			
Pool			
Other:			
SUB TOTAL			
C. OTHER HOUSEHOLD NECESSITIES			
Food			
Drug Store Items			
Household Supplies			
Other:			
SUB TOTAL			
D. MEDICAL/DENTAL			
Health Insurance			
Therapist/Counselor			
Extraordinary Medical			
Dental/Orthodontia			
Ophthalmologist/Glasses			
Other:			
SUB TOTAL			
E. SCHOOL EXPENSES			
Tuition/Books			
School Lunch			

Extracurricular Activities			
Clothing/Uniforms			
Room & Board			
Daycare/Nursery School			
Other:			
SUB TOTAL			
F. RECREATION & ENTERTAINMENT			
Vacations			
Videos/Theater			
Dining Out			
Cable TV/Internet			
Allowance			
Camp			
Memberships			
Dance/Music Lessons etc.			
Horseback Riding			
Other:			
SUB TOTAL			
G. TRANSPORTATION EXPENSE			
Automobile Payment			
Automobile Repairs			
Maintenance/Tags/Tires/etc.			
Oil/Gas			
Automobile Insurance			
Parking Fees			
Bus/Taxi			

Other:			
SUB TOTAL			
H. GIFTS			
Holiday Gifts			
Birthdays			
Gifts to Others			
Charities			
SUB TOTAL			
J. CLOTHING			
Purchasing			
Laundry			
Alterations/Dry Cleaning			
Other:			
SUB TOTAL			
K. INCIDENTALS			
Books & Magazines			
Newspapers			
Stamps/Stationary			
Banking Expense			
Other:			
SUB TOTAL			
L. MISCELLANEOUS/OTHER			
Alimony/Child Support (from a previous Order)			
Religious Contributions			

Hairdresser/Haircuts			
Manicure/Pedicure			
Pets/Boarding			
Life Insurance			
Other:			
SUB TOTAL			
TOTAL MONTHLY EXPENSES:			

Number of Dependent Children _____

INCOME STATEMENT

GROSS MONTHLY WAGES:		\$
Deductions:		
Federal	\$	
State	\$	
Medicare	\$	
F.I.C.A.	\$	
Retirement	\$	
Total Deductions:	\$	
NET INCOME FROM WAGES:		
OTHER GROSS INCOME:(alimony, part-time job, rentals, etc.)		\$
Deductions:		
a.	\$	
b.	\$	
c.	\$	
Total deductions from Other income:	\$	
NET OTHER INCOME:		
TOTAL MONTHLY INCOME:		

ASSETS & LIABILITIES

ASSETS:		
Real Estate	\$	
Furniture (in the marital home)	\$	
Bank Accounts/Savings	\$	
U.S. Bonds	\$	
Stocks/Investments	\$	
Personal Property	\$	
Jewelry	\$	
Automobiles	\$	
Boats	\$	
Other:	\$	
TOTAL ASSETS:		\$
LIABILITIES:		
Mortgage	\$	
Automobiles	\$	
Notes Payable to Relatives	\$	
Bank Loans	\$	
Accrued Taxes	\$	
Balance of Credit Card Accounts	\$	
a.		
b.		

c.		
Other:		
TOTAL LIABILITIES:		\$
TOTAL NET WORTH:		\$
SUMMARY:		
TOTAL INCOME:		\$
TOTAL EXPENSES:		\$
EXCESS OR DEFICIT:		\$

I solemnly affirm under the penalties of perjury that the contents of the foregoing Financial Statement, Monthly Expense List and Assets and Liabilities Statement are true to the best of my knowledge, information, and belief.

Date

Signature

Circuit Court for _____ **Case No.** _____

City or County

Name

Name

VS.

Street Address Apt. #

Street Address Apt. #

()

()

City State Zip Code Area Telephone Code

City State Zip Code Area Telephone Code

Plaintiff

Defendant

**JOINT STATEMENT OF PARTIES CONCERNING MARITAL
AND NON-MARITAL PROPERTY**

(DOM REL 33)

1. The parties agree that the following property is “**marital property**” as defined by MD. FAM. LAW CODE ANN. § 8-201(1999):

Description of Property	How Titled		Fair Market Value		Liens, Encumbrances or Debt Directly Attributable	
	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

2. The parties agree that the following property is **not marital property** because the property (a) was acquired by one party before marriage, (b) was acquired by one party by inheritance or gift from a third person, (c) has been excluded by valid agreement, or (d) is directly traceable to any of these sources:

Description of Property	Reason Why Non-Marital	How Titled		Fair Market Value		Liens/Debts	
		Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

3. The parties are **not in agreement** as to whether the following property is marital or non-marital:

Description of Property	Marital ?		How Titled		Fair Market Value		Liens/Debts	
	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion	Husband's Assertion	Wife's Assertion

Date

Signature of Plaintiff or Attorney

Date

Signature of Defendant or Attorney