

CIRCUIT COURT

STATE OF MARYLAND

DIVORCE PACKAGE

ADULT CHILDREN

With or Without Property

Control Number MD-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the clerk must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** You may use the forms in this package only when all of the following facts are true:

- (a) You comply with the grounds for divorce in Maryland - see Section 4 below;
- (b) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of twenty-one (21) and emancipated;
- (c) You and your spouse agree on all terms of the divorce.

2. **THE BASICS:** Actions for divorce in the State of Maryland are filed in the Circuit Court. The party who files the action is the Plaintiff, while the other party to the action is the Defendant.

A divorce case must be filed in the county where you live or where in the county where your spouse lives or works.

3. **RESIDENCY REQUIREMENTS:** If the grounds for divorce occurred outside of the State of Maryland, at least one of the parties to the divorce must have resided in Maryland for at least one year immediately prior to the filing of the action. **AMC 7-101**

4. **GROUND FOR DIVORCE:** To utilize this divorce package, you must use one of two grounds for divorce.

Two-Year Separation – You and your spouse have lived separate and apart from each other in separate residences, without interruption, without sexual intercourse, for more than two years, and there is no reasonable expectation of reconciliation.

Voluntary One-Year Separation – You and your spouse, 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 your marriage, and there is no reasonable expectation of reconciliation.

You and your spouse must meet one of the two above grounds in order to use this package to become divorced. **ACM 7-103**

5. **LEGAL SEPARATION (“LIMITED DIVORCE”):** In Maryland, Legal Separation is known as “Limited Divorce.” This package contains form for DIVORCE, not for

Limited Divorce. This information on Limited Separation is provided for your information only. A “Limited Divorce” cannot be obtained using the forms in this package.

A “Limited Divorce” is different than a Divorce. A Limited Divorce is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation does not terminate the marriage of the parties, and the parties are not free to marry again. For more information, see, **ACM 7-102**.

6. **WAITING PERIODS:** If no appeal has been filed within 30 days after the *Judgment of Absolute Divorce* is entered, you are free to marry again. You may not marry again prior to the expiration of the 30-day appeal deadline.
7. **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by means of a *Separation and Property Settlement Agreement*. You and your spouse must agree to the property and debt division and memorialize your agreement in the *Separation and Property Settlement Agreement*, which will be incorporated by reference into the *Judgment of Absolute Divorce* that ultimately ends your marriage. You may agree to divide the property any way you like, as long as a basic fairness is maintained, and you both agree. If you and your spouse cannot agree on all of the terms of the division of property, the dissolution of marriage proceeding then transforms into a contested divorce, which is outside the scope of this packet.
8. **ALIMONY:** Because this is an agreed upon divorce, you and your spouse will decide issues of spousal “alimony”-- the periodic payment of money from one spouse to the other on a temporary or permanent basis. The forms in this no-fault divorce package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony to the *Separation and Property Settlement Agreement* if you desire. You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue. To see additional information, review **ACM 11-106**.
9. **NAME CHANGE:** The court may, upon the granting of a divorce, change the name of a party to that party's former or maiden name, so long as the reason the party is seeking the name change is not illegal, fraudulent, or immoral. **ACM 7-105**
10. **MEDIATION:** Mediation may be required by the court when a limited divorce is sought. Additionally, if custody is a disputed issue, the court may also require mediation. **ACM 7-102**

For more information, see the Maryland Divorce Law Summary.

FORMS LIST

The following forms are included in this package:

1. Civil-Domestic Case Information Report (**MD-DCIR**)
2. Complaint for Absolute Divorce (**MD-DR-20, MD-DR-20-IN**)
3. Separation and Property Settlement Agreement (**MD-805D**)
- 3a. Joint Statement of Marital Property (**MD-DR-33**)
4. Answer (**MD-DR-50**)
5. Request for Uncontested Divorce Hearing (**MD-DR-59**)
6. Affidavits of Service
 - a. By Private Process (**MD-DR-55**)
 - b. By Certified Mail (**MD-DR-56**)
 - c. Alternate Service - Publication (**MD-DR-73**)
7. Notice of Uncontested Hearing (**MD-810**)

Note: Additional forms may be required that are county-specific. These forms will be available from the Clerk.

FORM EXPLANATIONS

All forms included in this are identified and described below.

1. **Civil-Domestic Case Information Report (MD-DCIR)** – This is an information sheet that helps the Court organize and schedule your case. You must fill one out and file with your Complaint. You must have a copy mailed to your spouse with the WRIT OF SUMMONS and other papers and your spouse must fill out that copy and mail back to you for filing.

2. **Complaint for Absolute Divorce (MD-DR-20, MD-DR-20-IN)** – This document contains the legal details of your request for the Court to grant your Divorce. Your Separation and Property Settlement Agreement must be signed by both spouses and attached to the Complaint as “Exhibit A” at the time you file the Complaint. **MD-DR-20-IN** provides instructions for filling out the complaint.

3. **Separation and Property Settlement Agreement (MD-805D)** – This is the agreement by which you and your spouse divide all of your marital property, assets and debts. This agreement, if approved by the judge, will be incorporated into the final Judgment of Absolute Divorce in your case. Both spouses must sign the Agreement in front of a Notary Public.

- 3a. **Joint Statement of Marital Property (MD-DR-33)** - This document should be completed by both spouses and indicates which property is designated as marital and which property is separate.

4. **Answer (MD-DR-50)** – This form must be signed by your spouse in front of a Notary Public. It indicates that your spouse agrees to the divorce according to the terms of the *Separation and Property Settlement Agreement*.

5. **Request for Uncontested Divorce Hearing (MD-DR-59)** – This form is the joint request of the parties to proceed directly to a final uncontested hearing.

6. **Affidavits of Service (MD-DR-55, MD-DR-56, MD-DR-73)** – This document is to be signed by your process server, certifying that your spouse was served with the appropriate documents.

7. **Notice of Uncontested Hearing (MD-810)** – This form must be mailed to your spouse to inform him or her of the date and time of the uncontested divorce hearing.

INSTRUCTIONS AND STEPS

Note: All forms containing a space for the signature of a Notary Public must be signed by the appropriate party or parties in front of a Notary Public. Make several copies of the documents that you prepare. You and your spouse should have a copy of everything you file, stamped “filed” by the clerk.

STEP 1: In cooperation with your spouse, fill out the following forms:

- *Civil-Domestic Case Information Report (MD-DCIR).* **Note:** Your spouse must also fill out a copy of this form. Make copies before completing the form.
- *Complaint for Absolute Divorce (MD-DR-20)*
MD-DR-20-IN can assist you with filling out this Complaint form
- *Separation and Property Settlement Agreement (MD-805D)*
- *Joint Statement of Marital Property (MD-DR-33)*

Attach the *Separation and Property Settlement Agreement (MD-805D)* to the *Complaint (MD-DR-20)*. Label the *Agreement (MD-805D)* “Exhibit A” by writing this in large, clear letters in the bottom margin of the first page of the *Agreement (MD-805D)*.

STEP 2: Make at least four copies of your completed documents. Go to the courthouse and FILE above-listed forms with the court clerk. You must pay a filing fee. Call ahead to determine the amount of the fee and acceptable forms of payment. The clerk will accept your originals and return your copies to you after stamping them “Filed.” The clerk will also give you a WRIT OF SUMMONS in order for you to “serve” your spouse with official notice of the filing of the divorce action. Make 4 copies of the WRIT OF SUMMONS.

STEP 3: “Serve” the divorce papers to your spouse. Follow these instructions:

Put the following documents in an envelope:

- (a) Copy of the *Civil-Domestic Case Information Report (MD-DCIR)* form stamped “Filed”.
- (b) A blank copy of the *Civil-Domestic Case Information Report (MD-DCIR)* form.
- (c) Copy of the *Complaint (MD-DR-20)* (with attached *Settlement Agreement (MD-805D)*) stamped “Filed”.
- (d) The original WRIT OF SUMMONS.
- (e) The *Answer (MD-DR-50)*.

An adult (at least 18 years old) friend or family member -- other than yourself -- must take the papers to the post office and mail them by *certified mail, restricted delivery, return receipt requested*, to your spouse. "Restricted delivery," means that your spouse must be the person to sign the "green card" receipt for the package. Make sure your spouse is expecting to receive this package, and that he/she knows that ONLY he/she must sign the "green card" receipt.

Instruct your spouse to sign the *Answer (MD-DR-50)* in front of a Notary Public and to complete the blank copy of the *Civil-Domestic Case Information Report (MD-DCIR)*. Your spouse must return these forms to you.

The adult who mailed the papers must fill out the appropriate *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)* and give this document to you. When the "green card" receipt from the certified mail comes back to you with your spouse's signature, take the green card, the *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)*, and a copy of the WRIT OF SERVICE and staple them together. When your spouse returns the signed *Answer (MD-DR-50)* and *Civil-Domestic Case Information Report (MD-DCIR)* to you, sign the *Request for Uncontested Divorce Hearing (MD-DR-59)* and take all of the above documents to the clerk's office and FILE all of them.

While at the courthouse, obtain a hearing date for your final uncontested hearing from the clerk. There may be a fee for the uncontested hearing. Obtain details from the clerk. Complete and bring the *Judgment of Absolute Divorce (MD-JO-01)* to the hearing. Attach a copy of the *Complaint (MD-DR-20)* stamped "filed" (with attached *Settlement Agreement (MD-805D)*) to the *Judgment (MD-JO-01)*. Label the *Complaint (MD-DR-20)* "Exhibit 1" by writing this in large, clear letters in the bottom margin of the first page of the *Complaint (MD-DR-20)*.

Notify your spouse of the hearing date by mailing him/her the *Notice of Uncontested Hearing (MD-810D)*.

STEP 4: You will need to bring a corroborative witness to the Uncontested Hearing (your spouse must attend, but does not need to bring a witness). Your corroborative witness must be someone who will testify on your behalf and confirm the statements in your *Complaint (MD-DR-20)*. For example, your corroborating witness should be able to testify that you and your spouse are married to each other, how long you and your spouse have been separated (one year voluntarily, or two years), and that there is no reasonable hope of you and your spouse getting back together. This person should be an adult (18 or older) friend or relative. It is unwise to use someone who your spouse dislikes, for example a new boyfriend/girlfriend.

Bring all of your documents to the final hearing. Provide the *Judgment of*

Absolute Divorce (MD-JO-01) with *Complaint (MD-DR-20)* and *Settlement Agreement (MD-805D)* attached) to the Judge. Once the Judge has signed the *Judgment (MD-JO-01)*, it must be “entered” by FILING with the clerk. Obtain two certified copies of the *Judgment (MD-JO-01)*, one for your records and one for mailing to your former spouse.

If no appeal has been filed within 30 days after the *Judgment of Absolute Divorce (MD-JO-01)* is entered, you are free to marry again. You may not marry again prior to the expiration of the 30-day appeal deadline.

CHECKLIST

- ☐ In cooperation with spouse, complete the following forms:
- *Civil-Domestic Case Information Report (MD-DCIR)*
 - *Complaint for Absolute Divorce (MD-DR-20)*
 - *Separation and Property Settlement Agreement (MD-805D)*
 - *Joint Statement of Marital Property (MD-DR-33)*
- Attach *Separation and Property Settlement Agreement (MD-805D)* to *Complaint (MD-DR-20)*. Label *Agreement (MD-805D)* "Exhibit A".
- ☐ Make at least four copies of completed documents. FILE above-listed forms with clerk. Filing fee paid. The clerk will provide you with WRIT OF SUMMONS to "serve" your spouse. Make 4 copies of the WRIT OF SUMMONS.
- ☐ "Serve" your spouse with the following:
- Copy of *Civil-Domestic Case Information Report (MD-DCIR)* stamped "Filed".
 - Copy of the *Civil-Domestic Case Information Report (MD-DCIR)*.
 - Copy of *Complaint (MD-DR-20)* (with attached *Settlement Agreement (MD-805D)*) stamped "Filed".
 - Original WRIT OF SUMMONS.
 - *Answer (MD-DR-50)*.
- ☐ Spouse signs *Answer (MD-DR-50)* in front of Notary Public and completes blank copy of *Civil-Domestic Case Information Report (MD-DCIR)*. Spouse then returns forms to you.
- ☐ Adult who mailed papers completes the appropriate *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)*. When a "green card" receipt from certified mail comes back with spouse's signature, you must staple the green card, the *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)*, and a copy of the WRIT OF SERVICE together. When spouse returns signed *Answer (MD-DR-50)* and *Civil-Domestic Case Information Report (MD-DCIR)*, sign *Request for Uncontested Divorce Hearing (MD-DR-59)* and FILE all of them.
- ☐ Obtain hearing date for final uncontested hearing from clerk. Complete *Judgment*

of *Absolute Divorce (MD-JO-01)* and bring to hearing. Attach copy of *Complaint (MD-DR-20)* stamped “filed” (with attached *Settlement Agreement (MD-805D)*) to *Judgment (MD-JO-01)*. Label *Complaint (MD-DR-20)* “Exhibit 1”.

- ☐ Notify spouse of hearing date by mailing *Notice of Uncontested Hearing (MD-810D)*.
- ☐ You must bring corroborative witness and all documents to final hearing. Provide *Judgment of Absolute Divorce (MD-JO-01)* (with *Complaint (MD-DR-20)* and *Settlement Agreement (MD-805D)* attached) to Judge. Once Judge has signed *Judgment (MD-JO-01)*, it must be “entered” by FILING with clerk. Obtain two certified copies of *Judgment (MD-JO-01)*.
- ☐ If no appeal has been filed within 30 days after *Judgment of Absolute Divorce (MD-JO-01)* is entered, parties are free to marry again. Parties may not marry again prior to expiration of 30-day appeal deadline.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

To complete the forms click on the gray shaded areas and type. You may also change other words in the document if the document is not locked. The separation agreement is a good example of a document that is not locked and allows you to make modifications outside the gray shaded areas.

Some forms may be locked which means that the content of the forms cannot be changed while the form is locked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes re-lock the document, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/MD/MD-004-D.htm>

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