

CIRCUIT COURT

STATE OF MARYLAND

DIVORCE PACKAGE

MINOR CHILDREN

With or Without Property

Control Number MD-006-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 minor children of said marriage;
- (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. In order to see additional information, refer to and review, **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. In order to see additional information, refer to and review, **ACM 11-106**.
9. **PARENTING SEMINAR:** Prior to granting a decree of divorce, the court may require all parties to participate in an educational seminar that is designed to educate parents about the effects, and to minimize the disruption, of a divorce on the lives of children. Topics shall include:
 - (a) The emotional impact of divorce on children and parents;
 - (b) Developmental stages of children and the effects of divorce on children at different stages;
 - (c) Changes in the parent-child relationship;

- (d) Discipline;
- (e) Transitions between households;
- (f) Skill-building in:
 - ii. Parental communication with children and with each other,
 - iii. Explaining divorce to children,
 - iv. Problem-solving and decision-making techniques,
 - v. Conflict resolution,
 - vi. Coping strategies,
 - vii. Helping children adjust to family changes,
 - viii. Avoiding inappropriate interactions with the children, and
 - ix. Developing constructive parenting arrangements; and
- (g) Resources available in cases of domestic violence, child abuse, and neglect.

10. CUSTODY/VISITATION: In the State of Maryland, the court may award custody of a minor child to either parent or joint custody to both parents. Neither parent is presumed to have any right to custody that is superior to the right of the other parent. In addition, unless otherwise ordered by a court, access to medical, dental, and educational records concerning the child may not be denied to a parent because the parent does not have physical custody of the child.

11. CHILD SUPPORT: The State of Maryland has enacted child support guidelines that are used to determine the correct amount of child support to be paid by the parties for the benefit of any minor children of the marriage. There is a rebuttable presumption that the amount of child support that would result from the application of the child support guidelines is the correct amount to be awarded, although this presumption may be rebutted by evidence that the application of the guidelines would be unjust or inappropriate. In determining whether the application of the guidelines would be unjust or inappropriate, the court may consider:

- (a) The terms of any existing separation or property settlement agreement or court order; and
- (b) The presence in the household of other children to whom that parent owes a duty of support and the expenses for whom that parent is directly contributing. (The presumption may not be rebutted solely on this basis.)

If the court determines that the application of the guidelines would be unjust or inappropriate in a particular case, the court shall make a written finding or specific finding on the record stating the reasons for departing from the guidelines. The court's finding shall state:

- (a) The amount of child support that would have been required under the guidelines;
- (b) How the order varies from the guidelines;
- (c) How the finding serves the best interests of the child; and
- (d) In cases in which items of value are conveyed instead of a portion of the support presumed under the guidelines, the estimated value of the items conveyed.

12. **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***

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-DO-11A**)
- 3a. Joint Statement of Marital Property (**MD-DR-33**)
4. Financial Statement (**MD-DR-31**)
5. Affidavits of Service
 - a. By Private Process (**MD-DR-55**)
 - b. By Certified Mail (**MD-DR-56**)
 - c. Alternate Service - Publication (**MD-DR-73**)
6. Answer (**MD-DR-50**)
7. Child Support Guidelines Worksheet A (**MD-DR-34**)
8. Child Support Guidelines Worksheet B (**MD-DR-35**)
9. Request for Hearing or Proceeding (**MD-DR-59**)

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 which helps the Court organize and schedule your case. 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-DO-11A)** – 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. **Financial Statement (MD-DR-31)** – This form is used to provide a complete picture of a person’s assets, liabilities, income and debts.

5. **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.

6. **Answer (MD-DR-50)** – This form contains the written response to the Complaint for Divorce by the Defendant. The Defendant may use this form to agree with or to dispute any or all of the allegations made by the Plaintiff in the Complaint.

7. **Child Support Guidelines Worksheet A (MD-DR-34)** – This worksheet is used to calculate the correct amount of child support to be paid in situations where the parents will share physical custody of the minor child (ren) of the marriage.
8. **Child Support Guidelines Worksheet B (MD-DR-35)** – This worksheet is used to calculate the correct amount of child support to be paid in situations where one parent will have primary physical custody of the minor child (ren) of the marriage.
9. **Request for Hearing or Proceeding (MD-DR-59)** – This form is the request of the parties to proceed directly to a final uncontested 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: Complete the following forms:

- *Civil-Domestic Case Information Report (MD-CDIR). Note: Your spouse must also fill out a copy of this form.*
- *Complaint for Absolute Divorce (MD-DR-20)*
MD-DR-20-IN can assist you with filling out this Complaint form.
- *Financial Statement (MD-DR-31) Note: Your spouse must also fill out a copy of this form.*
- *Child Support Worksheet A or B (MD-DR-34 or MD-DR-35), depending upon the custodial arrangement of the parties.*
- *Separation and Property Settlement Agreement (MD-DO-11A). Note: This form must be completed with your spouse. Make certain to agree to all of the terms contained within the agreement, as this agreement will be incorporated in the Judgment of Divorce.*
- *Joint Statement of Marital Property (MD-DR-33) to be completed with your spouse.*

Attach all forms to the *Complaint (MD-DR-20)*.

STEP 2: Make at least four copies of your completed documents. Go to the courthouse and FILE Forms 1-4 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: You must now “Serve” your spouse. To do so, put the following documents in an envelope:

- Copy of the *Civil-Domestic Case Information Report (MD-CDIR)* form stamped “Filed” and a blank copy of the *Civil-Domestic Case Information Report (MD- MD-CDIR)* form.
- Copy of the *Complaint (MD-DR-20)* (with attached *Separation and Property Settlement Agreement (MD-DO-11A)*) stamped “Filed”.

- The original WRIT OF SUMMONS.
- *Answer (MD-DR-50)*.

You should then select a person to deliver these papers to your spouse. The person serving your spouse cannot be you and must be an adult over the age of eighteen. Instruct the person you have selected to serve your spouse that he or she must give the papers directly to your spouse. The papers cannot be left at your spouse's address or with anyone other than your spouse. After your spouse has received the papers, have the person who served you spouse complete the appropriate *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)*. You should then file the *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)* with a copy of the *Writ of Summons* attached to prove to the Court that your spouse received copies of the papers.

STEP 4: Instruct your spouse to complete the following:

- *Civil-Domestic Case Information Report (MD-CDIR)*.
- *Answer (MD-DR-50)*. **IMPORTANT:** It should be noted that your spouse must agree to all of the allegations contained in the *Complaint* and the terms of the *Separation and Property Settlement Agreement (MD-DO-11A)*, or the case becomes contested and beyond the scope of this package.
- *Financial Statement (MD-DR-31)*

Once completed, your spouse should make copies of the documents and file with the Clerk of Court. He or she should complete the *Certificate of Service* at the bottom of the *Answer (MD-DR-50)* and mail copies of all of the documents (including *Answer (MD-DR-50)*) to you as instructed in the *Certificate of Service*.

STEP 5: Once your spouse has filed the above listed documents, complete and file with the Clerk the *Request for Hearing or Proceeding (MD-DR-59)*. Mail your spouse a copy. The Clerk will mail both parties a notice of the date for the hearing.

STEP 6: If required, attendance at a parenting seminar completed at this time.

STEP 7: Bring the *Judgment of Absolute Divorce (MD-JO-01 & MD-JO-11)* to the hearing. You will need also to bring a corroborative witness to the uncontested hearing (your spouse must attend, but does not need to bring a witness). Your corroborative witness should be an adult (18 or older) friend or relative 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, etc. It is unwise to use someone who your spouse dislikes, for example a new boyfriend/girlfriend.

Provide the *Judgment of Absolute Divorce (MD-JO-01 & MD-JO-11)* (with *Complaint (MD-DR-20)* and *Settlement Agreement (MD-DO-11A)* attached) to the Judge. Once the Judge has signed the *Judgment (MD-JO-01 & MD-JO-11)*, it must be “entered” by FILING with the clerk. Obtain two certified copies of the *Judgment (MD-JO-01 & MD-JO-11)*, 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 & MD-JO-11)* is entered, you are free to marry again. You may not marry again prior to the expiration of the 30-day appeal deadline.

CHECKLIST

- ☐ *Civil-Domestic Case Information Report (MD-CDIR), Complaint for Absolute Divorce (MD-DR-20), Financial Statement (MD-DR-31), Child Support Worksheet A or B (MD-DR-34 or MD-DR-35), and Separation and Property Settlement Agreement (MD-DO-11A) completed. All forms attached to Complaint (MD-DR-20). Also complete Joint Statement of Marital Property (MD-DR-33)*
- ☐ Copies made of above listed documents, which are then filed with the clerk of court.
- ☐ Filing Fee Paid, WRIT OF SUMMONS obtained from clerk. Copies made of WRIT OF SUMMONS
- ☐ Spouse is served with *Civil-Domestic Case Information Report (MD-CDIR), Complaint for Absolute Divorce (MD-DR-20), Financial Statement (MD-DR-31), Child Support Worksheet A or B (MD-DR-34 or MD-DR-35), and Separation and Property Settlement Agreement (MD-DO-11A)* by having adult over age of eighteen deliver papers directly to spouse. In addition, spouse is provided blank *Civil-Domestic Case Information Report (MD-CDIR), Answer (MD-DR-50) and Financial Statement (MD-DR-31)*.
- ☐ The person who delivered the papers completes the *Affidavit of Service (MD-DR-55, MD-DR-56, or MD-DR-73)* and gives to you.
- ☐ Spouse instructed to complete *Civil-Domestic Case Information Report (MD-CDIR), Answer (MD-DR-50) and Financial Statement (MD-DR-31)*. Once completed, copies made of documents and originals filed with Clerk. Copies provided to you.
- ☐ *Request for Hearing or Proceeding (MD-DR-59)* filed with Clerk of Court. Copy mailed to spouse. Clerk will notify both parties of date for hearing.
- ☐ If required, parenting seminar attended.
- ☐ Attend final hearing with corroborative witness and all documents. *Judgment (MD-JO-01 & MD-JO-11)* approved and signed by Judge.
- ☐ Signed *Judgment (MD-JO-01 & MD-JO-11)* filed with clerk. Certified copy obtained for self. Certified copy mailed to former spouse.
- ☐ Thirty day appeal period following enter of *Judgment (MD-JO-01 & MD-JO-11)* expired.

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-006-D.htm>

DISCLAIMER

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