

## **Divorce in Maryland**

### **Uncontested “Absolute” Divorce**

Maryland allows spouses to enter into marital settlement agreements which, in turn, may be used to prove that a separation was voluntary.

The agreement must:

- (1) State that the spouses voluntarily agreed to separate and
- (2) Be signed before the application for divorce is filed. In addition, each spouse must file a Financial Statement Affidavit and a Joint Statement of Marital and Non-Marital Property to obtain a divorce in Maryland. The most common uncontested grounds are a 2-year separation or a voluntary separation. The court requires a witness to appear at the absolute divorce hearing to corroborate the separation.

### **Limited Divorce in Maryland**

1. Grounds: The court may decree a limited divorce on the following grounds:
  - a. Cruelty of treatment of the complaining party or of a minor child of the complaining party;
  - b. Excessively vicious conduct to the complaining party or to a minor child of the complaining party;
  - c. Desertion; or
  - d. Voluntary separation, if:
    - o The parties are living separate and apart without cohabitation; and
    - o There is no reasonable expectation of reconciliation.
2. Attempts at Reconciliation: As a condition of receiving a decree of limited divorce, the court may:
  - a) Require the parties to participate in the efforts to achieve reconciliation that the court prescribes; and
  - b) Assess the costs of any efforts to achieve reconciliation that the court prescribes.
3. Time Limited Divorce is Effective: The court may issue a divorce a limited time or for an indefinite time.
4. Revocation of Divorce: The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.
5. Limited Divorce is legal separation: If an absolute divorce is requested and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited divorce.

### **Alternatives to Divorce in Maryland**

A legal separation is when the parties live separately but remains legally married to one another.

A legal separation may be granted if both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.

Either spouse may eligible for reasonable support and maintenance while they so live apart.

An annulment is sought in order to nullify the marriage and disavow its existence, returning the parties to their prior single status, as if they never married. The person seeking the annulment has the burden of proving to the court that one of the conditions of nullity has been met in order to have the annulment approved. Annulments are most often sought by people who feel stigmatized by the status of being divorced, or for ease of remarriage in their particular religion.