

# Divorce 9: How to File for Divorce

There is now only one type of divorce in Maryland – absolute divorce. Starting October 1, 2023, Maryland courts cannot grant a limited divorce. Maryland law on the legal reasons, or grounds, for divorce changed as well. This tip sheet is up to date with the law.

## Getting Started

- The first step is to file documents asking the court to open a case. Use form CC-DR-020 to ask the court for an absolute divorce.
- If you are the person filing the initial Complaint, you must pay a filing fee. However, you may ask the court to waive the fee if you can't afford it. Submit completed fee waiver forms with your Complaint.
- File your divorce documents in the circuit court in the county where you or your spouse live. Make enough copies of your court documents for your spouse and be sure to keep at least one copy for yourself. Ask the court clerk to put a date-stamp on your copies.

## Service of Process

- The spouse filing the initial Complaint must provide a copy to his or her spouse. This is known as service of process or, more simply, “service.” You are responsible for making sure that the court papers are properly served. There are special rules. For instance, you may not give copies to your spouse yourself. Someone must do it on your behalf.
- You must also send to the court proof that your spouse received copies. Do not overlook this crucial step.
- There's another video with details on service. It's called *Service of Process*.

## Answering a Complaint

- If you received a copy of a Complaint for Divorce filed with the court:
  - If you live in Maryland, you have 30 days to respond.
  - If you were served in another state, you have 60 days to respond.
  - If you were served outside the United States, you have 90 days.
- Use form CC-DR-050 to file your Answer within the deadline. In the Answer, check the boxes to admit or deny the statements made by your spouse on his or her Complaint. The Answer form also has space where you can tell the court what YOU want.
- You may also consider filing a Counter-Complaint for Absolute Divorce. This is form CC-DR-020. Use this form if the divorce order you want is significantly different than what your spouse has requested.



# Maryland Court Help

**Free. Online. In Person. By Phone.**

- Mail copies of everything you file with the court to your spouse. Let the court know that you sent a copy of these documents to the other person by completing the Certificate of Service section at the end of the Answer or Counter-Complaint form.

### **Legal Help**

- Divorce cases can be complex. Consider having a lawyer represent you, especially if your spouse has a lawyer. If you can't afford one, look for free or low-cost legal help. We have a video for that, too. It's called *Finding Legal Help in a Civil Case*.
- Consider using the Maryland Court Help Center. This is a free service. You can speak on the phone with a lawyer at the Help Center by calling 410-260-1392. Or, chat with a lawyer at [mdcourts.gov/selfhelp](http://mdcourts.gov/selfhelp).
- Most circuit courts also have free walk-in clinics or Family Court Help Centers. That's where you can meet briefly with a lawyer and get legal advice and help filling out forms.

### **Default**

- What happens if the deadline passes with no Answer filed? At that point, the spouse who filed the initial Complaint may file a request for a finding of default. If the court is convinced that service was properly made, it will issue an Order of Default.
- That order permits the divorce case to be heard and concluded without the participation of the other party. A party who is found in default may be heard on custody and visitation issues only.
- The court will not issue an Order of Default if the other side is unavailable because they are on active military duty.