

A Maryland Judiciary Production  
*My Laws, My Courts, My Maryland*

## **Divorce (Part 2): Determining a Legal Reason (or Ground) for Divorce**

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the legal reasons or "grounds" for divorce. One spouse must prove that at least one "ground" exists before the court may grant a divorce. We'll define the three grounds for limited divorce: separation, cruelty and excessively vicious conduct, and desertion. We'll also go over three additional grounds that may be used to file for an absolute divorce: Adultery, imprisonment for a crime, and insanity. Finally, we will talk about the residency requirements for a divorce case.

The court may also grant an absolute divorce on the grounds of mutual consent if you and your spouse sign an agreement. This is a very common way to get a divorce. Watch Part 3 in this video series if this is the type of divorce for you.

This series talks about divorce only. If you would like the court to end your marriage and establish custody of the children you and your spouse share, you should also view the series on Child Custody. You will be learning a lot of new material, and some of it can be quite dense. Consider using the Tip Sheet and taking notes. Let's get started with a discussion of the three grounds for limited divorce.

### **CHAPTER HEADING FULL SCREEN TEXT: GROUNDS FOR LIMITED DIVORCE**

The first ground for limited divorce is separation. This means you and your spouse live in different residences, with no reasonable expectation that you will make-up and you and your spouse are no longer having sex. You do not have to be separated for any specific period of time if you want a limited divorce.

If your spouse physically abuses or mentally injures you or your minor children, you may ask for a limited divorce on the grounds of cruelty and excessively vicious conduct. Consider this ground if you believe continuing the marriage is impossible without jeopardizing your health, safety, or well-being.

The final ground for limited divorce is desertion, and there are two types. In actual desertion, one spouse unjustifiably abandons the other spouse with the intention of ending their marriage. In constructive desertion, one spouse's behavior is so harmful to the other's physical or mental well-being that he or she is forced to leave the marriage to preserve his or her health, safety, or well-being.

You may also use these three legal reasons, or grounds, if you want to ask the court for an absolute divorce. Let's go over other grounds that may be used in an absolute divorce case.

Last updated: 3.13.19

Word count: 792

Time: 5 minutes, 40 seconds

## **CHAPTER HEADING FULL SCREEN TEXT: GROUNDS ABSOLUTE DIVORCE**

If you want to use separation as grounds for absolute divorce, you must prove that you have been separated for at least 12 months. If there is a break in the separation, meaning you reside together again or resume having sex, the “clock” starts over and you will have show you were continually separated for 12 months.

Adultery is also a ground for absolute divorce. One spouse must prove that the other spouse had the disposition and an opportunity for adultery. With adultery, you may file for divorce as soon as it is discovered.

The next ground is imprisonment. This requires proof that a spouse was convicted of a crime, sentenced to more than three years imprisonment, and has been imprisoned for at least one year at the time of filing.

Insanity is also a ground for absolute divorce. One spouse must prove that the other person’s insanity is permanent and incurable, and two psychiatric doctors must testify to those facts. Also, the other person must have been confined in an institution or hospital for at least three years at the time of filing.

Finally, if you want a divorce on the grounds of mutual consent, watch Part 3 in this series.

You must also understand the residency requirements in a divorce case.

## **CHAPTER HEADING FULL SCREEN TEXT: RESIDENCY REQUIREMENTS**

To get a divorce in Maryland, at least one spouse must be a legal resident of Maryland. If the ground for divorce happened in Maryland, you need only be a Maryland resident at the time you file for divorce. If the ground for divorce happened outside of Maryland, one spouse must live in Maryland for at least six months.

Let’s summarize the legal reasons or ground for divorce.

## **CHAPTER HEADING FULL SCREEN TEXT: SUMMARY**

Remember, the court will consider three grounds in a limited divorce case: separation, cruelty and excessively vicious conduct, and desertion. The court can grant an absolute divorce if you and your spouse have been separated for 12 months, or if the person seeking the divorce can prove cruelty and excessively vicious conduct, desertion, adultery, imprisonment for a crime, or insanity. One spouse must prove at least one ground before the court can grant a divorce. Finally, at least one spouse must live in Maryland.

Thanks for watching. On behalf of the Maryland Courts, we hope this information about the grounds for divorce has been helpful.

Last updated: 3.13.19

Word count: 792

Time: 5 minutes, 40 seconds