

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

Divorce (Part 1): What Type of Divorce Do I Need?

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.

In this video, we'll cover the two types of divorce. One is absolute divorce. The other is limited divorce. We'll also go over the legal concept of separation. Annulment, a rare occurrence in which the court finds your marriage never existed, is not covered in this video.

This series talks about divorce only. If you and your spouse have children in common, you can ask the court to establish child custody and child access or visitation as part of your divorce. View the *My Laws, My Courts, My Maryland* video 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 on absolute divorce.

CHAPTER HEADING FULL SCREEN TEXT: ABSOLUTE DIVORCE

An absolute divorce ends a marriage. You and your spouse may remarry.

In an absolute divorce case, you will resolve all issues related to alimony, or financial support, child custody, child support, and how marital property will be used and divided. This video series on divorce has several videos which cover each of these topics with more detail. You may also want to watch the series on Child Custody if you and your spouse have children together.

Let's look at limited divorce now.

CHAPTER HEADING FULL SCREEN TEXT: LIMITED DIVORCE

A limited divorce allows you and your spouse to resolve some important issues, but it does not end your marriage. You cannot remarry.

You may want to consider getting a limited divorce if you have child-related issues or financial matters you need to address, but you do not yet have a legal reason, or grounds, for an absolute divorce. Legal reasons for divorce are covered in Part 2 of this series.

When you file for a limited divorce, the court can address issues during the separation including financial support, child custody, and health insurance. The court may also address which spouse may use certain property, such as a home or car. In this type of divorce, your marital property will not be divided.

Let's look at the legal concept of separation.

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CHAPTER HEADING FULL SCREEN TEXT: SEPARATION

There is no such thing as a “legal separation” in Maryland. If you and your spouse live apart with the intention of ending your marriage, and if you do not have sexual intercourse during that time, that constitutes separation. Separation can be a legal reason for divorce, depending on how long you and your spouse are separated. Part 2 in this series goes over the grounds, or legal reasons for divorce.

Some couples choose to enter into a separation or marital settlement agreement before they file for divorce, or while they are waiting for their divorce to be final. This agreement is a contract between you and your spouse and may address issues such as child custody, child support, spousal support, property use, ownership or distribution of a home, car or personal property. If you and your spouse enter into a separation agreement, you may have it incorporated into your final divorce decree. That way, your agreement becomes an enforceable court order after the divorce. You can craft an agreement with the help of a mediator or your lawyers. If you enter into an agreement and you do not have a lawyer, consider having it reviewed by a lawyer before you sign it.

Let review the types of divorce.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

You may remarry if you get an absolute divorce, which will resolve all issues about money, children, and property. With a limited divorce, you cannot remarry. Finally, there is no such thing as a “legal separation” in Maryland.

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