

Mark this box if this form contains Restricted Information.



CIRCUIT COURT FOR _____, MARYLAND

City/County

Located at _____ Telephone _____

Court Address

Case No. _____

Plaintiff/Counter-Defendant _____

Defendant/Counter-Plaintiff _____

VS.

Street Address _____

Street Address _____

City, State, Zip _____ Telephone _____

City, State, Zip _____ Telephone _____

E-mail _____

E-mail _____

COUNTER-CLAIM FOR ABSOLUTE DIVORCE (Family Law § 7-103)

MDEC counties only: If this submission contains Restricted Information (confidential by statute, rule or court order) you must file a Notice Regarding Restricted Information Pursuant to Rule 20-201.1 (form MDJ-008) with this submission, and check the Restricted Information box on this form.

NOTE: Use this form to initiate an absolute divorce case. Mark the “Restricted Information” box at the top of this or any other form you file that includes financial or other confidential information such as part of a social security or federal tax identification number. Only list the last four digits of account/ID numbers. Visit mdcourts.gov/divorce.

I, _____, state that:
Name

1. The plaintiff/counter-defendant and I were married on _____ in _____
Date of marriage
City/County/State where married, Country where married in a civil religious ceremony.

2. **Check all that apply:**

- I have lived in Maryland since _____ .
Month/Year
- My spouse has lived in Maryland since _____ .
Month/Year
- The grounds, or legal reasons, for divorce occurred in Maryland.
(for a list of grounds *see number 13 below*)
- The grounds for divorce occurred outside Maryland and either my spouse or I have been a resident of Maryland for at least six (6) months prior to the date this counter-claim was filed.

3. I know of the following cases, or I have been involved (as a party, witness, etc.) in the following cases about me, my spouse, or the child(ren). Examples include cases such as custody, child support, guardianship, domestic violence/protective order, paternity, divorce, visitation (child access), CINA, delinquency, termination of parental rights, adoption or other cases:

Case No. _____

<u>Court</u>	<u>Case No.</u>	<u>Kind of Case</u>	<u>Year Filed</u>	<u>Result/Status/Date of Child Custody or Guardianship Determination</u>

Attach the most recent court order for these cases.

4. Children (check one):

- We have no children together (*skip to number 10*).
- My spouse and I are parents of the following child(ren).

Name	Age	Name	Age
Name	Age	Name	Age
Name	Age	Name	Age

5. I know of the following people, who are not parties to this case, who have physical custody of, or claim rights of legal custody, physical custody, or visitation (child access) with the minor child(ren).

Name	Current Address
Name	Current Address
Name	Current Address

6. The minor child(ren) currently live(s) at _____ with _____

 Name

7. The minor child(ren) has/have lived in Maryland for at least six (6) months yes no. In the past five (5) years, the minor child(ren) has/have lived in the following places with the following persons:

<u>Time Period</u>	<u>Address</u>	<u>Name(s) and Current Address of Person(s) with whom Minor Child(ren) Lived</u>

8. **Parenting Plan (check one):**

- My spouse and I have agreed on a parenting plan(s) that we believe is/are in the best interest of the minor child(ren). **Attach your signed parenting plan agreement.**
- My spouse and I have not agreed on a parenting plan(s).
See: Maryland Parenting Plan Instructions (CC-DRIN-109) and Maryland Parenting Plan Tool (CC-DR-109) or visit mdcourts.gov/parentingplans.

It is in the best interest of the minor child(ren) that I have (check one selection from each line):

- joint primary physical custody (parenting time) of

Name(s) of child(ren)

- joint sole legal custody (decision-making authority) of

Name(s) of child(ren)

- visitation (child access or parenting time) with

Name(s) of child(ren)

9. **Child Support (check one):**

- I am asking for child support and/or health insurance for the minor child(ren).

If you and your spouse’s combined gross monthly income (before taxes/not take home pay) is \$30,000 or less, attach Financial Statement (Child Support Guidelines) (CC-DR-030); if the combined gross monthly income is more than \$30,000, attach Financial Statement (General) (CC-DR-031).

- Child support has been established:

- in a separate court case, Case No. _____ in

County and State . **Attach a copy of the most recent order if available.**

- in the Office of Child Support in, _____ Case No. _____
County, State

- I am not asking for child support and/or health insurance for the minor child(ren) at this time because

10. **Alimony:** I am am not seeking alimony because

Attach a Financial Statement (General) (Form CC-DR-031) if you want alimony.

11. Marital Property:

My spouse and/or I have the following property that needs to be divided by the court
(*check all that apply*):

- House
- Pension(s)/Retirement account(s)*
- Motor vehicles
- Other: _____
- Furniture
- Bank account(s) and investment(s)

***NOTE:** If you or your spouse has a retirement or pension plan, talk to a lawyer. You may need a “domestic relations order” to transfer the marital portion of benefits from one spouse to the other. These orders are sometimes called qualified domestic relations orders (QDROs), Court Orders Acceptable for Processing (COAP), or qualifying retirement benefit court orders. If you and your spouse agree on how to divide the benefits, you can draft and file an order for the court to approve. Each plan has specific requirements that must be met for the order to be valid and accepted. A lawyer can advise you based on the plan.

- I am requesting to have use and possession of the home and/or family use personal property for the benefit of the minor child(ren) for up to three (3) years from the date of the divorce.
- My spouse and I have already reached an agreement about our marital property AND alimony.
Attach a copy of your signed written agreement.
- My spouse and I have no marital property that needs to be decided by the court.*

*If you are seeking a divorce on the ground of mutual consent, you must file a written agreement, signed by you and your spouse, stating that you have no marital property that needs to be decided by the court.

12. I am requesting to be restored to my former name _____ .
Full former name

(If you do not request your former name at this time, you may do so later by filing a motion within 18 months after the judgment of absolute divorce was entered.)

13. My grounds (legal reasons) for absolute divorce are (*you may check more than one*):

Mutual Consent – My spouse and I have signed a written settlement agreement that states it resolves issues relating to alimony, the distribution of property; and the care, custody, access, and support of minor or dependent children. Neither of us has taken any action to set aside (invalidate) the agreement.

Attach a copy of your written and signed agreement. If your agreement provides for the payment of child support, you must attach a copy of the completed Child Support Guidelines Worksheet (Form CC-DR-034 for primary physical custody or CC-DR-035 for shared physical custody).

12-Month Separation – From on or about _____ , my spouse and I have lived
Month/Date/Year
apart in separate residences, without interruption or sexual intercourse for 12 months or more **before** the date of filing of this counter-claim.

Adultery – My spouse committed adultery.

Actual Desertion – On or about _____ , my spouse deliberately, without just
Month/Date/Year
cause or reason, abandoned and deserted me, with the intention of ending our marriage. This desertion has continued without interruption for 12 months or more **before** the date of filing of this counter-claim and there is no reasonable expectation we will reconcile (get back together).

Constructive Desertion – On or about _____, I left my spouse because his/her
Month/Date/Year
 persistent conduct or cruel and vicious treatment towards me made continuing our marriage impossible in order to preserve my health, safety, or self-respect. This conduct was the final and deliberate act of my spouse and our separation has continued without interruption for 12 months or more **before** the date of filing of this counter-claim, and there is no reasonable expectation we will reconcile (get back together).

Criminal Conviction or a Felony or Misdemeanor – On or about _____, my
Month/Date/Year
 spouse was sentenced to serve at least three (3) years or an indeterminate sentence in a penal institution and has served 12 or more months of the sentence **before** the date of filing of this counter-claim.

Cruelty Against Me and/or my Minor Child(ren) – My spouse’s cruel treatment toward me and/or my minor child(ren) has made continuing the marriage impossible, and there is no reasonable expectation that we will reconcile (get back together).

Excessively Vicious Conduct Against Me and/or my Minor Child(ren) – My spouse’s excessively vicious conduct toward me and/or my minor child(ren) has made continuing the marriage impossible, and there is no reasonable expectation that we will reconcile (get back together).

Insanity – On or about _____, my spouse was confined to a mental institution,
Month/Date/Year
 hospital, or other similar institution, and has been confined for at least three (3) years **before** the date this counter-claim was filed. Two (2) medical professionals competent in psychiatry will testify that the insanity is incurable and there is no hope of recovery. My spouse or I have lived in Maryland for at least two (2) years before the filing of this counter-claim.

FOR THESE REASONS, I request (*check all that apply*):

- an Absolute Divorce.
- a change back to my former name, _____
Full former name
- joint primary physical custody (parenting time) of the minor child(ren).
- joint sole legal custody (decision-making authority) of the minor child(ren).
- visitation (child access or parenting time) with the minor child(ren).
- child support (**attach Form CC-DR-030 or CC-DR-031**).
- health insurance for the child(ren).
- alimony (**attach Form CC-DR-031**).

Case No. _____

Property (check all that apply): *(The following requests require a Joint Statement (Form CC-DR-033) be filed at least 10 days before the trial date if you and your spouse are not able to reach a written agreement that resolved all property issues).*

- To live in the family home for up to three (3) years from the date of the absolute divorce for the benefit of the minor child(ren).
- To have and use the family use personal property for up to three (3) years from the date of the absolute divorce for the benefit of the minor child(ren).
- My share of the property or its value.
- Transfer of family use personal property.
- Transfer of the marital share(s) of pension and/or retirement benefits and authority to draft and submit for court approval a domestic relations order to accomplish the transfer.
- Transfer of the real property jointly owned by the parties located at

_____ Address
 from _____ to _____
 Name Name
 Authorize _____ to purchase from
 Name
 _____ an interest in real property located at
 Name

- A monetary award (money) based on marital property.
- Incorporate, but not merge, our written agreement into the judgment of absolute divorce.
- Any other appropriate relief.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

_____ Date
 _____ Signature of Plaintiff/Attorney Attorney Number
 _____ Printed Name
 _____ Address
 _____ Telephone Number
 _____ Fax
 _____ E-mail

CERTIFICATE OF SERVICE

I certify that on _____ a copy of this counter-claim and any attached documents,
Date
were mailed, postage prepaid, OR hand delivered to:

_____ Name _____ Address
 _____ City, State, Zip
 _____ Attorney's Name (if applicable) _____ Address
 _____ City, State, Zip