

INSTRUCTIONS FOR COMPLETING AND FILING DIVORCE FORMS

Do I need a lawyer?

Probably YES if:

- The case is contested (you do not agree).
- Your spouse has a lawyer.
- You do not have an address for or cannot locate your spouse to serve them with court documents.
- You cannot get the evidence you need to prove your case.
- Your case involves complex issues:
 - You or your spouse have a house, a pension/retirement account, or a large amount of property or income.
 - You and your spouse disagree on child custody (parenting time or decision-making authority).
 - You want an annulment.
 - You have been married for more than 10 years and you want alimony.
 - You or your spouse own a business.
 - You are seeking support for an adult destitute child.

Where do I file my forms?

File with the Clerk of the Circuit Court for the county in which you live, or in which your spouse lives or works.

What are the steps?

1. Complete a complaint form. There are two (2) different divorce complaint forms:
 - Complaint for Absolute Divorce (CC-DR-020): Use this form if you want to file for divorce.
 - Counter-Claim for Absolute Divorce (CC-DR-094): Use this form if your spouse has filed for an absolute divorce and you wish to ask the court for relief different from what your spouse requested in their complaint.
2. Complete other forms as required.
 - Civil Domestic Case Information Report (CC-DCM-001): Required for all divorce cases.
 - Parenting Plan (Custody Agreement): Required in all cases involving custody of a minor child. Read the Maryland Parenting Plan Instructions (CC-DRIN-109). You can use the Maryland Parenting Plan Tool (CC-DR-109) or create your own plan. If you are not able to agree on a comprehensive parenting plan, you must file a Joint Statement of the Parties Concerning Decision-Making Authority and Parenting Time (CC-DC-110). Learn more at mdcourts.gov/parentingplan.
 - Financial Statement (CC-DR-030): Required for cases seeking child support and the parents' combined monthly income is \$30,000 or less. Each spouse must file this form.
 - Financial Statement (CC-DR-031): Required for cases seeking alimony, property distribution, or child support if the parents' combined monthly income is more than \$30,000. Each spouse must file this form.
 - Joint Statement of the Parties Concerning Marital Property (CC-DR-033): Required if you or your spouse is seeking division or transfer of marital property or a monetary award. File at least 10 days before your trial or by any other date set by the court.
 - Marital Settlement Agreement (CC-DR-116): Required if the basis of your complaint for divorce is mutual consent.
 - Division of Vital Record's Report of Absolute Divorce or Annulment of Marriage (get this form from a court clerk). Submit a completed form before the end of your hearing. The court will not mail you your divorce decree unless you file this form.

SAFETY CONCERNS

If you want your personal information to remain confidential for safety or domestic violence concerns, do not include your address or contact information on the complaint form. To ask the court to seal a case record or to limit inspection of a portion of the record, file a Motion to Seal or Otherwise Limit Inspection of a Case Record (CC-DC-053).

3. Prepare to file your completed forms.

- Call the court to ask about filing fees and method of payment.
- If you cannot afford the fee, complete a Request for Waiver of Prepayment of Prepaid Costs (CC-DC-089).
- Make two copies of everything you file. File the originals with the court. Keep one copy for your records; the other copy is for service of process on the other party.



GET HELP

- [Maryland Court Help Center](https://mdcourts.gov/helpcenter) (phone & chat):
mdcourts.gov/helpcenter
- [Family Law Self-Help Centers](https://mdcourts.gov/family/familylawassistance) (walk-in):
mdcourts.gov/family/familylawassistance
- [People's Law Library](https://peoples-law.org) (website): peoples-law.org
- [Self-Help Video Library](https://mdcourts.gov/videos) (video): mdcourts.gov/videos

4. File your completed forms, along with the filing fee, at the clerk's office.

- If you are representing yourself, you can either file completed paperwork in person, or by mail directly to the clerk's office OR you can E-file.
- E-filing is NOT mandatory if you do not have a lawyer.
- For more information and directions about E-filing see: mdcourts.gov/mdec/efilingpublic

5. Complete Service of Process on your spouse. Service is the way the court knows the other side receives copies of the papers you filed with the court. Learn more at mdcourts.gov/ccservice

- The clerk will send you a "writ of summons" for service of process on your spouse.
- You must arrange for a third party to serve a copy of the summons, the complaint, and all other papers filed with the court on your spouse within 60 days of the date on the writ of summons.
- You may not serve the documents yourself. Another person must do it.
 - You may request the Sheriff's office in the county where your spouse lives to serve the other side. A fee is required, unless the court granted you a fee waiver.
 - You may pay for a private process server or have a friend or family member (free) who is over 18 and not a party to the case serve the other side. If the papers are served at your spouse's home, your server may hand them to your spouse or to a competent co-resident who is at least 18 years old.
 - You may have an adult who is not a party to the case perform the service by certified mail requesting "**Restricted Delivery – show to whom, date, address of delivery.**" Your spouse must sign the green card, which you must file with the court.
- Personal delivery means that papers are handed to your spouse. If service is made at your spouse's home, documents may be handed to your spouse or to a person over age 18 who also lives in the home.

6. Your server should complete the Affidavit of Service to prove your spouse was served. File the Affidavit of Service with the court.

- Use CC-DR-056 if service was by certified mail.
- Use CC-DR-055 if service was by private process.
 - If the sheriff served your spouse, the sheriff's office will file the Affidavit of Service.
 - If you cannot have your spouse served (for any reason, such as you cannot locate them or they are evading service), you probably need to seek legal advice.

7. Wait for your spouse to file an answer or counter-claim. Deadlines to respond to a divorce complaint:

- If your spouse was served in Maryland: 30 days after service of process.
- If your spouse was served in another state: 60 days after service of process.
- If your spouse was served in another country: 90 days after service of process.
- If your spouse does not respond in the time allowed, file a Request for Order of Default (CC-DR-054).