

Divorce 2: Determining a Legal Reason (or Ground) 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 has changed. This tip sheet is up to date with the law.

Grounds for Divorce

- **Mutual consent:** You and your spouse both want to divorce and have a written agreement that settles all matters of the divorce. For more information, see Part 3 in the *Divorce* series, titled *Mutual Consent*.
- **Separation:** Your spouse and you have lived separate and apart for at least 6 months before filing for divorce. You can live under the same roof as your spouse if you pursue separate lives. If you live separate and apart from your spouse because of a court order, that counts as separation. For example, the court may order one spouse to leave the home in a protective order (domestic violence) case.
- **Irreconcilable Differences:** You believe, or your spouse believes, that your marriage should end for reasons that cannot be resolved.

Residency Requirement

- 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.



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