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Divorce (Part 3): Mutual Consent 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 a specific ground for absolute divorce called mutual consent. We'll go over what you should include in the written agreement you must submit to the court. We'll also talk about where you may get some help with the agreement. Finally, we'll introduce you to the hearing that you and your spouse must attend.

You will be learning some new material, so consider using the Tip Sheet and taking notes. Let's get started with a look at the Marital Settlement Agreement.

CHAPTER HEADING FULL SCREEN TEXT: WRITTEN AGREEMENT

The court will grant an absolute divorce if you and your spouse both agree to the divorce and have signed a written settlement agreement that settles all matters between you. Your agreement should cover how child custody issues will be resolved, including any child support payments. If your agreement provides for child support, attach a child support guidelines worksheet. If you and your spouse's combined monthly income is less than \$15,000, use form CC-DR-030. If your combined monthly income is more than \$15,000, use form CC-DR-031.

Your agreement must also include details on how you and your spouse will deal with marital property, including the family home and other family property such as cars. Only certain property is considered "marital property" and subject to distribution in a divorce. Be sure to watch Part 5 in this series, *How the Court Divides Jointly-Owned Belongings*.

Consider including information on health insurance benefits, and whether one spouse will financially support the other spouse with alimony, or spousal support.

Negotiating a settlement agreement can be challenging. Take advantage of some of the court's helpful resources when creating your agreement.

CHAPTER HEADING FULL SCREEN TEXT: WHERE TO GET HELP

Before signing an agreement, you may want to speak with a lawyer to make sure you understand your rights. Consider hiring a lawyer, especially if your spouse has one. Or, you may want to speak to a free lawyer at the Maryland Courts Self-Help Center. These lawyers can't represent you in court, but they can give you brief advice on drafting settlement agreements. The call center is open until 8 p.m. on most weekdays. Call 410-260-1392.

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Negotiating a settlement agreement in a divorce case can be difficult. You and your spouse may also want to consider participating in mediation. In mediation, a trained neutral person will sit down with you and your spouse to discuss the terms of an agreement. Mediation is confidential and voluntary, and it lets you and your spouse decide on a solution that works for both of you. Contact the Mediation and Conflict Resolution Office for more information.

You may also want to check with the law library or the family department at your circuit court to see if they have sample settlement agreement forms.

Once you have a signed agreement, file it with the court. The court will review the document and then schedule a hearing.

Let's talk about that hearing.

CHAPTER HEADING FULL SCREEN TEXT: COURT HEARING ON MUTUAL CONSENT

Before the court will grant an absolute divorce on the ground of mutual consent, at least one spouse must appear at a hearing. The court will notify you of the hearing date. During this time period if something changes, you or your spouse may ask the court to set aside the Settlement Agreement to stop the divorce from proceeding.

When you appear at the hearing, the court will ask whether at least one spouse lives in Maryland. The court will also determine whether you or your spouse has asked to set aside your agreement.

If the court is satisfied with your answers and with your agreement, it will grant a divorce on the grounds of mutual consent.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

Remember, to obtain an absolute divorce on the grounds of mutual consent, you and your spouse must sign a Settlement Agreement that resolves all issues, including the care, custody, access and support of children. Helpful resources for drafting a settlement agreement include lawyers at the Maryland Courts Self-Help Center, mediation, and sample forms. Finally, at least one spouse must appear at a hearing.

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