

MUTUAL CONSENT DIVORCE



How to File...

MUTUAL CONSENT DIVORCE

Montgomery County Circuit Court Fast Facts

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WHAT IS A MUTUAL CONSENT DIVORCE?

Effective October 1st, 2015, mutual consent is a “no fault” ground for absolute divorce. If all the requirements have been met, a court may grant an absolute divorce without a separation. See MD Code, Family Law §7-103 (see back page).

- **Get expanded information packets about different divorce options at the [Circuit Court Family Department](#)** (South Tower, Room 1460)
- **Learn more at *The People’s Law Library of Maryland*:** peoples-law.org/no-fault-divorce

REQUIREMENTS

All these requirements must be met, per the MD Code:

- **Signed settlement agreement**
The parties have a signed settlement agreement that resolves all issues relating to alimony and the distribution of property.
- **Neither party has asked to set aside the agreement**

Filing fee for the original complaint is \$165, cash or check only.

INSTRUCTIONS

Find Legal Help

Talk to a lawyer as early as possible.

- **Hire an attorney**
 - Bar Association of Montgomery County Lawyer Referral Service: **301.279.9100**
 - Lawyer directories are available in the Circuit Court Law Library (Circuit Courthouse, room N-3420)
 - Legal Services Directory - The People’s Law Library of Maryland: peoples-law.org/directory
- **Find free or low-cost legal help**
 - **Montgomery County Circuit Court Family Law Self-Help Center** (Circuit Courthouse, room S-1500)
 - Free, walk-in only clinic staffed by attorneys that gives limited legal advice to persons who meet income eligibility requirements (M-F 8am-4:30pm, Tues. to 8pm)
 - Maryland Courts Self-Help Center: **410.260.1392** (M-F 8:30am-8pm)
 - Women’s Law Center of Maryland Family Law Hotline: **1.800.845.8550** (M-F 9:30am-4:30pm)
 - Bar Association of Montgomery County free legal clinics: <https://www.barmont.org/general/custom.asp?page=ClinicsClinicas>

File Papers

Find forms and read the General Instructions first at: mdcourts.gov/family/forms

1. Complete all documents

- Fill out a **Civil-Domestic Case Information Report**.
- Fill out a **Complaint for Absolute Divorce**.
- Create a **Settlement Agreement** that is signed by both parties and addresses all issues relating to alimony and property distribution. You can find sample forms in the Circuit Court Law Library.
- An attorney may be necessary to complete these documents.

2. Receive other side’s answer

- The other side also fills out a **Civil-Domestic Case Information Report** and an **Answer to Complaint**.

3. Sign papers

- Both sides must sign the **Settlement Agreement** and **Joint Request to Schedule an Uncontested Divorce Hearing on the Grounds of Mutual Consent**.

4. File papers

- Prior to filing, print three copies of your papers (one for yourself, one for the court, and one for the other side).
- File forms with the Family Department window (room S-1460).
- Clerks cannot give you legal advice or assistance with forms.
- Service is not required if both parties complete the papers.

Attend Hearing

- After filing papers, the court will schedule a hearing within 45 days.

WHAT DO I NEED TO FILE?

- **Maryland Courts Self-Help Center:** 410.260.1392 (M-F 8:30am-8pm)
- **Women's Law Center of Maryland Legal Forms Helpline:** 1.800.818.9888
- **Domestic Case Information Report:** mdcourts.gov/courtforms/circuit/ccdcm001.pdf
- **Complaint for Absolute Divorce:** mdcourts.gov/family/forms/ccdr020.pdf
- **Answer to Complaint:** courts.state.md.us/family/forms/ccdr050.pdf
- **Settlement Agreement:** Visit Circuit Court Law Library for sample forms (room N-3420)
- **Joint Request to Schedule an Uncontested Divorce Hearing on the Grounds of Mutual Consent:** montgomerycountymd.gov/cct/resources/files/Divorce/Joint_Request_Schedule_Uncontested_Divorce_Grounds_Mutual_Consent.pdf



WHERE DO I FILE?

Montgomery County Circuit Court Family Department

- Room **S-1460** (Located in the South Tower on the lobby level)
- Open 8:30am-4:30pm
- **240.777.9426**
- Filing fee is \$165, cash or check only

OTHER DIVORCE OPTIONS

Absolute Divorce is a final and permanent judicial decree that ends the marriage and restores parties to their single status.

Limited Divorce is a judicial recognition that the parties are separated, although still married.

Get expanded information packets at the Family Department (Room S-1460)

Learn more at The People's Law Library of Maryland: peoples-law.org/grounds-limited-divorce

MD CODE, FAMILY LAW §7-103 (a)(8)

(8) [The court may grant an absolute divorce on the grounds of] mutual consent, if:

(i) the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to:

1. alimony;
2. the distribution of property, including the relief provided in §§ 8-205 and 8-208 of this article; and
3. the care, custody, access, and support of minor or dependent children;

(ii) the parties attach to the settlement agreement a completed child support guidelines worksheet if the settlement agreement provides for the payment of child support;

(iii) neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and

(iv) after reviewing the settlement agreement, the court is satisfied that any terms of the agreement relating to minor or dependent children are in the best interests of those children.