



# *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*:** <http://www.peoples-law.org/no-fault-divorce>

## REQUIREMENTS

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

- **No minor children**  
The parties have no minor children in common.
- **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**
- **Both parties attend the divorce hearing**

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: <http://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://montbar.site-ym.com/?ClinicsClinicas>

### File Papers

*Find forms and read the General Instructions first at: <http://mdcourts.gov/family/formsindex.html>.*

- 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 Informational 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.
- Both parties must be present and bring their signed **[Settlement Agreement](#)**.

# 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:** <http://mdcourts.gov/courtforms/circuit/ccdcm001.pdf>
- **Complaint for Absolute Divorce:** <http://www.mdcourts.gov/family/forms/ccdr020.pdf>
- **Answer to Complaint:** <http://www.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:** <http://www.montgomerycountymd.gov/circuitcourt/Resources/Files/Joint-Request-to-Schedule-an-Uncontested-Divorce-Hearing-on-the-Grounds-of-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: <http://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 do not have any minor children in common;
  - (ii) the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to:
    1. alimony; and
    2. the distribution of property, including the relief provided in §§ 8-205 and 8-208 of this article;
  - (iii) neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and
  - (iv) both parties appear before the court at the absolute divorce hearing.