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Family

Every circuit court has a mediation program for cases that involve disagreements about custody or visitation. Some circuit courts offer a mediation program for marital property.

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Adoption

There are three types of adoptions:

Public Agency Adoption. This type of adoption case is filed by the department of social services after parental rights have been terminated.

Private Agency Adoption. This type of adoption case is filed by a private adoption agency who has identified a child available for adoption, and who has identified a family willing and able to adopt the child.

Independent Adoption. This type of adoption case is usually filed by a private party. This type of adoption is often filed by a

WHICH COURTS?

- Maryland's [Circuit Courts](#) hear all adoption, divorce, custody, support, and visitation cases.
- [Domestic violence](#) cases are heard in both the [District Court](#) and [Circuit Courts](#).

RESOURCES

- [People's Law Library of Maryland](#)
- [Family Law Hotline: 1-800-845-8550](#)

Juvenile Delinquency
Mediation & ADR
Money Issues
People's Law Library
Traffic
Self-Help Videos
Wills & Estates

stepparent or co-parent who would like to adopt his or her partner's child.

In all types of adoption cases, if the natural parents can be found, they will be asked if they consent to the adoption. If they do not consent, they can file an objection to the adoption. Thorough investigations may be conducted and many documents must be filed with the court. This allows the court to determine what is best for the child. The court will hold a hearing and will determine whether to grant the adoption.

Consider Getting a Lawyer. The process and requirements in adoption cases are extremely complex. Consider having a lawyer represent you if you are thinking about filing an independent adoption.

For more information about adoption laws and procedures, see the [People's Law Library](#).

You May Have a Right to A Lawyer. In some adoption cases, you may have a right to a lawyer.

Parents. Parents may have a right to a lawyer if they cannot afford one. An attorney will be appointed for them in cases where the state is seeking to terminate their parental rights, or in public agency adoptions where their rights have not yet been terminated and the agency is seeking their consent. In private agency adoptions, the court is required to appoint a lawyer, regardless of income, for a parent who is a minor, or who has a disability that would make it difficult to represent themselves.

Children. Children have a right to have a court-appointed lawyer of their own in termination of parental rights cases. This is usually the same lawyer who represented the child in the original child abuse or neglect case. In a private agency adoption, the child has a right to have a lawyer if the child is at least 10 years old and is either a minor or has a disability. In independent adoptions, the child has a right to a lawyer if he or she is at least 10 years old and has a disability.

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- Women's Law Center
Employment Law Hotline:
(877) 422-9500
- Women's Law Center Legal
Forms Helpline: (800) 818-
9888

COURT SERVICES

- Department of Family
Administration
 - Family Divisions in
Maryland Circuit Courts
 - Family Law Forms
 - Maryland State Law
Library
 - Maryland Circuit Court Law
Libraries
-

Child Custody & Visitation

What happens in a child custody case?

Child custody cases can involve several steps. Your case may include some or all of the following events, depending on how much you and the other party agree on custody matters:

All Cases

- **Mediation** (most cases) – Helps parents reach agreements, define issues, or improve communication about caring for and parenting your children. Mediation also exists for disagreements about marital property and other family issues.
- **Pre-trial conference** – A master or judge may attempt to identify contested issues and help you reach a settlement. If issues remain, the master or judge will discuss with you and the other party how the trial will proceed. You may also hear pre-trial conferences called scheduling or settlement conferences.
- **Trial** - At trial, the court will decide with whom the child should live (physical custody), who has the right to make major decisions regarding the child (legal custody), and whether either parent must pay child support. Here are some examples of outcomes from trial:
 - Both parents share legal custody and physical custody (the child alternates sleeping at each parent's house on a set schedule – e.g., splitting the week, alternating weeks, etc.).
 - Parent A and Parent B share legal custody. Parent A has primary physical custody. Parent B has visitation rights.
 - Parent A has legal custody and primary physical custody. Parent B has visitation rights.
 - Parent A has legal custody and physical custody.

Some Cases

- **Co-parenting classes** – Some circuit courts require all parties in contested family cases involving children to attend these classes. A co-parenting class may discuss: how divorce impacts children and parents emotionally; changes in the parent-child relationship; transitions between households; communicating with children and with the other party; problem-solving, decision-making; and other topics.
- **Custody evaluation** – Sometimes ordered in contested custody and visitation cases. This helps

the judge understand what is in the best interest of the children. The custody evaluator will meet with each parent and each child. They also interview those who may know the history of the family and the ability of each parent to care for the children. They may contact references provided by the parents. Evaluators may review important personal records and other information. Finally, the evaluator may visit each parent's home to observe family life. The evaluator will usually prepare a written report, and may testify at trial.

- **Parenting coordination** – This is a process where you and the other parent work with a neutral professional to reduce the effects of conflict on your children. The parenting coordinator will use a variety of alternative dispute resolution techniques to help you and your family.
- **Mental health evaluation and treatment** – The court may need to assess a parent's ability to care for a child, or assess the child's needs. When a court orders a mental health evaluation, a court psychologist or private clinician (who does not have a relationship with the person) will interview the parent or child and prepare a written report for the court, and perhaps testify. The court may also order or refer a parent or child to family or individual counseling.
- **Visitation services**
 - Monitored exchange - Provides a safe and secure location for dropping-off and picking-up children before and after visits. This service can help decrease the chance of an angry exchange or inappropriate behavior in front of children.
 - Supervised visitation - If a higher level of protection is necessary, parents may have visits at a center that provides supervised visitation. The custodial parent brings the child to a center where trained staff are present to observe the visit, model positive behavior, and ensure the visiting parent's behavior is appropriate.

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Child Support

How do I file for or change child support?

You may be able to get help in asking for or changing child support. Contact your [local child support enforcement office](#). If you plan to represent yourself, child support forms are available on the [Family Law forms index](#).

Divorce

What's the difference between "Absolute Divorce" and "Limited Divorce?"

An absolute divorce dissolves the marriage and usually resolves all related issues. After an absolute divorce is finalized, the parties may remarry.

A limited divorce is a legal action that permits the court to resolve some important issues but does not end the marriage. People file for limited divorce usually because they have financial matters or other issues that can't wait until the court grants the couple an absolute divorce.

When can I file for divorce?

You can file for absolute divorce after you and your husband or wife have lived separate and apart without cohabitation for twelve months, without interruption..

You can file for divorce immediately if you can prove certain events including adultery, cruelty of treatment, and excessively vicious conduct.

For more information on grounds for divorce in Maryland, see the [Department of Family Administration Legal Digest on Divorce](#).

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The Divorce Process in Maryland

There are a number of steps that must occur before a divorce is granted. See the [People's Law Library](#) for more information. Divorce can be complex and you may have a lot at stake. Consider having a lawyer represent you.

CAUTION. The following provides a basic overview of the process. In addition to what is listed there are additional forms, important deadlines, and fees you will deal with along the way. The best way to ensure you get your legal needs met is to hire a lawyer to help you. If you will be representing yourself, visit the [Peoples Law Library](#), make use the [Family Law Self-Help Centers](#), and review all forms and instructions carefully.

Before the Case Begins

Often the parties SEPARATE before they start a court action. You do not have to be separated to file for

divorce in Maryland, but a divorce will only be granted if the case meets the conditions required by law. Some grounds for divorce require a period of separation.

There is no such thing as a “legal separation” in Maryland. If you live separate and apart with the intention of ending the relationship, and if you do not have sexual intercourse during that time, that constitutes separation for the purposes of obtaining a divorce. You do not need to file a document with the court or enter into an agreement.

Some couples choose to enter into a SEPARATION AGREEMENT before they file for divorce, or while they are waiting for their divorce to be final. A separation agreement is a contract between the two of you and can govern child custody, child support, spousal support, use, ownership or distribution of a home, car or personal property, and other issues, during the separation period. Usually, once a couple enters into a separation agreement, they will have it incorporated into the final divorce decree so it becomes an enforceable court order after the divorce. You can craft a separation agreement with the help of a mediator, and/or your lawyers. If you enter into a separation agreement and you do not have a lawyer, consider having it reviewed by a lawyer before you finalize it.

Why File for Divorce?

The only way to obtain a legal divorce in Maryland is to obtain it through the courts. In a divorce case, the court can also make other important decisions and establish other rights and obligations including:

- Child custody and access (visitation)
- Child support
- Spousal support (alimony)
- Use and possession of a home, automobile or personal possessions
- Distribution of property
- Distribution of pensions and other assets

Filing the Case

1. File the Case. Once he or she has legal grounds to request the divorce, one party will file a complaint or petition asking the court to grant the divorce. Other forms may also be required. The court will issue a SUMMONS.

2. Serve the Other Side. The other side must be properly SERVED (see the [People's Law Library - FAQ on Service](#)) in order for the case to be heard by the court. If you have requested that the sheriff serve the other side, the court will send the summons, along with a copy of the petition, to the sheriff who will serve the other person. If you are using a private process server or some other private method of service, the court will send you the summons and a copy of the petition. You must arrange to have the other side properly served.

3. Return of Service. Once the other side has been properly served, the person who completed the service must sign an AFFIDAVIT OF RETURN OF SERVICE stating that the person was properly served. If the sheriff completed service, the sheriff will file the affidavit with the court. If you arranged for private service, you must file the affidavit with the court.

While the Case is On-going

4. Discovery Process. Either you or your attorney will need to gather evidence and identify witnesses who can help you prove to the court that you should obtain the divorce and any relief you are requesting. This process is called DISCOVERY. There are special rules and procedures which you must follow to obtain information from the other party.

5. Pre-Trial Procedures. Courts will have both parties and their lawyers come to court for a pre-trial conference, hearing or a scheduling conference. A master or judge will discuss the case with you and try to identify contested issues. You may have an opportunity to discuss the case with the other side and try to reach an agreement on some or all of the issues. The court will often set a scheduling order outlining important dates and will order any services that may be appropriate or necessary.

6. Court-ordered Services. The court may require you and the other side to participate in a range of services, to help you through the divorce process, and/or to help the court understand your family's needs so the court can make a good decision. See the list of services under [Child Custody](#).

7. Pendente Lite Hearing. The court may order an early hearing, called a "pendente lite" hearing (which means "pending litigation"), to decide some of the issues so you do not have to wait for the final divorce to establish temporary child custody or access, support and other issues.

The Final Hearing

8. Uncontested Hearing. If you and the other side reach an agreement, your agreement can be placed "on the record" at a final hearing, and incorporated into the final decree of divorce. If so, it then becomes an enforceable court order. In Maryland the court must take testimony on the grounds for

divorce, even if the parties agree on all the terms, so even when you agree, there will be a final divorce hearing, although it may be short.

9. Trial. If you and the other side do not reach an agreement on all issues, the court will hold a trial. At trial, the court will decide all remaining issues and issue a final judgment or decree.

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Marriage

How do I get a marriage license in Maryland?

If you are eligible to marry in Maryland, visit the Circuit Court Clerk's office in the county where your marriage is to take place. Marriage between same sex partners is legal in Maryland, as long as the law does not otherwise prohibit the individuals from marrying (for example, where they are closely related).

Call or visit the website of the Circuit Court Clerk's office where you plan to marry because each jurisdiction has different license fees. If it is not convenient for you to visit the Circuit Court Clerk's office where you wish to marry, you may apply using a Non-Resident Affidavit (except in Cecil County where both parties must apply together in person). Call the Clerk's Office to have a copy of the affidavit sent to you or check the Clerk's website to see if you can download it.

The marriage license is effective at 6:00 a.m. on the second calendar day after the license was issued, unless the court grants an exception.

If you would like to get married in the courthouse, a judge, a Clerk of the Circuit Court or an appointed, designated Deputy Clerk of the Circuit Court may perform civil ceremonies. The hours, location, and fees for a civil ceremony vary from county to county.

Name Change

How can I file for a name change?

First, file a petition in a Circuit Court. The court will publish notice of the petition. The court will schedule a hearing if someone objects to the name change or if the court has any questions about your petition. If the name change raises no issues, a judge will sign a Decree for Change of Name.

Changing a minor's name involves the same steps, but requires the minor's written consent, or the consent of the minor's parents, guardians, or custodians. If a parent, guardian, or custodian does not consent to the name change, that person must be served. The court will schedule a hearing before moving forward with the name change.

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Content provided by the Department of Family Administration (DFA). For more information on this topic, see the [DFA website](#).

www.mdcourts.gov

This website may require you to [download plug-ins](#) to view content.

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