



# Preparing For Your Divorce or Custody Case

It is important to begin preparing for your case as soon as possible. There are basic steps that you can take to prepare. One critical component is discovery, the process of getting information from the other party (your spouse) before trial. Discovery is a legal tool each party can use to strengthen their case.

Through discovery you may request information and documents from your spouse to use as evidence at trial. Discovery can be acquired by requesting certain documents or by asking questions of the other party, either in writing (interrogatories) or in person (deposition). Below are some links to assist you in preparing your case through the discovery process.

- [Discovery in the Circuit Court \(mdcourts.gov\)](https://mdcourts.gov)
- [Preparing Your Case \(peoples-law.org\)](https://peoples-law.org)
- [Navigating Discovery \(mvslaw.org\)](https://mvslaw.org)
- [What to Know Before You Go \(mvslaw.org\)](https://mvslaw.org)

## MARITAL PROPERTY

At a minimum, you and your spouse will have to divide up your assets. To do that you will need to make a list of marital property, regardless of whether this is something you and your spouse agree on or something that a judge will decide. Marital property includes any assets that were acquired during the marriage, regardless of who is listed on the title or who paid for it. This could include any of the following:

- Money (cash, bank accounts, retirement accounts, pension, life insurance)
- Real estate (primary residence, and any other property)
- Vehicles (car, motorcycle, and any other vehicles)
- Other tangible personal property (furniture, etc.)
- Business assets in some cases

Assets acquired outside of the marriage are considered non-marital property. These include:

- Those assets acquired before marriage,
- Inheritance,
- Gifts from someone other than your spouse, and
- Any property obtained during the marriage using funds from one of the above.

If you and your spouse agree on how to divide your marital property, you may consider drafting a Marital Settlement Agreement, [Form CC-DR-116 \(mdcourts.gov\)](https://mdcourts.gov). This agreement will set forth how you and your spouse would like the property to be distributed rather than asking a judge to make that decision for you. You may also want to review the Financial Statement, [Form CC-DR-031 \(mdcourts.gov\)](https://mdcourts.gov), which is sometimes a required court filing, as it can assist you in identifying your and your spouse's expenses and assets.

If you and your spouse do not agree on how the marital property should be divided, you and your spouse will need to complete a "Joint Statement of Parties Concerning Marital and Non-Marital Property", [Form CC-DR-033 \(mdcourts.gov\)](https://mdcourts.gov) and the court will determine how to divide the property. In addition to identifying the property, this form will require an estimate of Fair Market Value (FMV) and an indication of whether there are debts associated with the property (e.g., mortgage, car loan). As an initial estimate, you can use the tax assessment for real estate and the Kelly Blue Book value for vehicles. Clients are often faced with debt at the time of the divorce. Unlike marital property, Maryland Courts cannot divide debts between spouses in a divorce. Spouses are jointly liable if a debt is in both names, but the court cannot require either spouse to pay a joint debt. However, debts are one of the factors that are considered when determining a division of assets.

This is not legal advice. Please consult an attorney about your specific situation. To get free legal help visit:

[WWW.MVSLAW.COM/FREE-LEGAL-HELP/](https://www.mvslaw.com/free-legal-help/)

or call intake between 9 a.m. and 12 p.m. on Monday through Thursday at 1(800) 510-0050 or (410) 547-65377

## ALIMONY

Alimony, or spousal support, is a periodic support payment one former spouse makes to the other. Alimony is not automatically awarded in Maryland divorce cases. A spouse must specifically ask the court for alimony and must be able to prove it is needed either during or after a divorce. If you and your spouse do not agree on alimony, there are many factors that a court will consider when determining whether alimony is appropriate and, if so, how much and for how long. Among other things, the court will want to know the length of your marriage, the earning capacity of both spouses, financial needs, income and expenses, the ability of the spouse who is seeking alimony to become self-sufficient and to become employed. See the section below on Child Support for details on income documentation. You may also need to provide proof of expenses, such as mortgage or rent payments, utility bills, groceries, etc. Gathering bank account information, receipts, income pay stubs and other documentation, such as medical records/ social security disability benefits will help you be prepared and organized when requesting an alimony award. You may also want to review the Financial Statement, [Form CC-DR-031 \(mdcourts.gov\)](#) which is a required court filing for alimony.

## CHILD CUSTODY

If you are seeking child custody, you should consider the following in preparation for your custody court proceedings:

- Preparing a Parenting Plan is a requirement. This plan will help you and the other parent determine how the children will spend their time with each parent following a divorce or separation and is usually provided to the parents at the first court hearing. Reviewing the Maryland Parenting Plan Tool ahead of time will help to familiarize yourself with various child custody schedules and consider what would be in the best interest of the children. See [Parenting Plans \(mdcourts.gov\)](#).
- If there are contested issues, you may want to review the Joint Statement of The Parties Concerning Decision Making Authority and Parenting Time, which is also a requirement for filing. See [Form CC-DR-110 \(mdcourts.gov\)](#).

## CHILD SUPPORT

The parent who has physical custody of the children will receive child support from the other parent. If you and your spouse do not agree on child support, you will need to provide the court with the following information about monthly income and expenses:

- Total income before taxes,
- Child support paid for other children,
- Alimony paid to former spouses,
- Alimony received from former spouses,
- Health insurance premium for your children,
- Work-related child-care expenses,
- Extraordinary health expenses, and
- School and transportation expenses.

Make sure to consider income from all sources, including wages, tips, self-employment, and government benefits (Social Security, unemployment, disability). Do not include public assistance benefits such as SNAP or AFDC. You will need proof of each source of income, such as recent pay stubs, W-2s, 1099s, or Social Security benefit reports.

“Extraordinary medical expenses” include any uninsured expenses over \$250 per year, including things like orthodontia, medical care for chronic health conditions, and mental health counseling. “School expenses” include only K-12 education that is required to meet the child’s particular educational needs. “Transportation expenses” include the anticipated cost of transporting the children between the homes of each parent. See [Form CC-DR-030 \(mdcourts.gov\)](#).

To speak to an attorney about your situation or for help with completing forms, call the Maryland Family Law Hotline at 1(800) 845-8550 or visit the Family Law Self Help Center located in the Maryland Circuit Court where you will be opening your case or filing your response.

For additional information and court forms pertaining to child support, custody, and visitation, and instructions for completing the forms, visit [Family Law Court Forms \(mdcourts.gov\)](#) or [Family Law \(peoples-law.org\)](#) and [Maryland Custody & Divorce Client Workbook \(peoples-law.org\)](#).

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