

A Simple Guide to Uncontested Divorce in Montgomery County, MD

If you are getting divorced in Montgomery County, MD, one of your goals should be to conclude your divorce case with a ten minute uncontested divorce hearing rather than a contested divorce trial.

To request an uncontested divorce hearing, the circuit court requires that you satisfy the following criteria:

- 1.) Neither you nor spouse can oppose the divorce;
- 2.) There may be no disputed issues left for a Judge or Master to decide. To clarify, this means that all issues arising out of the marriage must be resolved *before* you can request an uncontested divorce hearing. This includes issues related to: children, (*access, legal and physical custody and possibly use & possession*); finances (*alimony, child support, attorney fees & suit monies*); and property, (*division of assets, retirement accounts, real estate, etc.*). All of these issues must have been resolved before the Court will schedule an uncontested divorce.

If you can satisfy both criteria, to schedule your uncontested divorce hearing via the “fast track”, you’ll need to cooperate with your divorcing spouse, either directly or through counsel, because the Complaint for Divorce, Answer and a Joint Request for an Uncontested Divorce should all be filed together, if possible. Once those documents have been filed, the circuit court will schedule your uncontested divorce hearing. This fast track scheduling hearing process can take as little as a few weeks from filing the Complaint to having the uncontested divorce hearing.

If scheduling the uncontested divorce hearing quickly is not important, simply file your Complaint for Divorce with a completed Civil Information Form and the appropriate filing fee. The Court will mail you a Summons and a blank Civil Information Form. You’ll need to serve your Complaint for Divorce, the Summons and the Civil Information Form upon your spouse. Your spouse will respond by filing and serving you with a copy of his or her Answer and Civil Information Form. Shortly thereafter, the circuit court will send you a Notice of Scheduling Conference. Both you and your spouse are required to attend the Scheduling Conference, at which time the uncontested divorce hearing will be scheduled. This regular scheduling process will take several months to complete from filing the Complaint to having the uncontested hearing.

Although it may seem simple, resolving the issues arising out of your marriage and getting to an uncontested divorce hearing will likely be a complicated process and very few people represent themselves through a divorce without making major mistakes. You should consult an experienced divorce attorney before trying to represent yourself in your divorce case.