



PAULA J. PETERS, P.A.  
Law Offices

# Separation and Divorce in Maryland

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# Understanding the Procedures

- Filing for divorce
- Service
- Court process (how long will this take?)
  - Types of hearings
    - Scheduling conference
    - Pendente Lite “PL” Hearing
    - Pretrial Conference, Pretrial Conference...
    - Trial
- Mediation/Settlement
  - Where does this fit in?
  - Settling on the courthouse steps

# Grounds for Divorce

- Types of Divorce
  - Limited Divorce
    - Separated less than one year AND no other grounds
    - Issues: custody, support, use and possession of home & property, attorneys fees.
  - Absolute Divorce
    - Separated more than one year and/or other grounds
    - Issues: All limited divorce issues PLUS property
- Grounds
  - Adultery, cruelty, excessive vicious conduct, voluntary separation, two year separation, abandonment/desertion, imprisonment, insanity.
- Adultery
  - Pre vs. Post Separation Adultery
  - Revenge

# Preparing for Separation

- Inventory property
- Gather documents
- Witness names and contact information
- Interview attorneys
- Shutting down/opening bank accounts
- Credit cards
- Home equity lines of credit
- Splitting the bills

# Custody and Visitation

- Types of Custody
  - Legal custody: making decisions about the kids
    - Medical, education, religious, school, camps, etc.
    - Tie-breaking authority
  - Physical custody (aka primary physical/residential custody)
    - 128 or more *overnights* is what matters.
- Custody is never final.
  - Material change in circumstances that affects the child
- “Best Interests of the Child(ren)”
- Parental Alienation

# Custody and Visitation (cont'd)

- Parent Coordinators
- Best Interest Attorney (aka Guardian Ad Litem or *Nagle v. Hooks* attorney)
- Visitation when there is abuse.
  - Glen Burnie Visitation Center vs. Private “babysitter”
- Petition for Emergency Relief
  - What is an emergency?
  - Heard on Monday, Wednesday, Friday

# Financial Support

- Emergency family maintenance
- *Pendente lite* alimony
- Child support: using the calculator
- Rehabilitative alimony
- Permanent alimony
  - “unconscionable disparity”
- Paying the bills
- Tax consequences

# Common Mistakes/Misconceptions

- Working and alimony (vocational rehab)
- Signing for a home equity line or refinance
- Not understanding your expenses
- Reporting/not reporting abuse
- Visitation schedule: flexibility vs. sticking to the schedule
- Not keeping a visitation diary
- Complaining versus problem-solving
- Focusing on revenge.

# Division of Property

- What are you entitled to?
  - Equitable distribution of all property acquired during the marriage, ***no matter how titled.***
    - House
    - Cars
    - Financial accounts
    - Personal property
    - Retirement accounts, pensions, ESOP
- What are you not entitled to?
  - Inherited property
  - Pre-marital property
  - Gifts
- Marital Debt: debt acquired as part of marital property

# Choosing Professionals

- How to choose:
  - Get referrals (friends, family, coworkers)
  - Interview several
  - Talk about the cost, how you will be billed
- Attorneys
  - Cheerleaders vs. advisors
  - Family law practice
  - Local/in-county
- Counselors (joint, for you, for your minor child)
- Financial
- Mediator
- Experts
  - Vocational rehabilitation
  - Business valuation
  - Property appraiser
  - Custody evaluator
- Other (the Starbucks Manager)

# Helping Your Attorney

- Your attorney's time = money. Use it wisely.
- How to help:
  - Organize documents before submitting them
  - Type out your answers to interrogatories
  - Limit phone calls and e-mails
  - Set up meetings or phone appointments, instead of dropping in or playing phone tag.
  - Have an agenda; do not call randomly.
  - Do your own legwork (finding addresses, etc.)
  - Do your homework.
- Where does my retainer go?
  - Drafting court documents
  - Corresponding with other side (letters, calls, etc.)
  - Communicating with client
  - Administrative costs (postage, photocopy, travel/mileage, parking, etc.)
  - Court costs and fees
  - Court appearances, meetings
  - Preparation for court, meetings, negotiation, mediation, etc.

# NOTES

