



SHAH & KISHORE
FAMILY LAW

THE SHAH & KISHORE FAMILY LAW GUIDE TO **DIVORCE IN MARYLAND**

This e-book is your quick guide to understanding divorce in the state of Maryland. Including subjects like custody, grounds for divorce, and alimony, the quick but descriptive summaries of each subject come from our knowledgeable divorce professional at Shah & Kishore Family Law, giving you the insight that you need to understand what a divorce in Maryland entails. This guide benefits those who may be considering or already going through a divorce.

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DIVORCE

WE KNOW THAT DIVORCE IS DIFFICULT, STRESSFUL, AND EMOTIONALLY DRAINING. YOU NEED TO ENSURE YOU FIND A LAWYER THAT WILL BE AN ADVOCATE FOR YOU, SOMEONE ON YOUR TEAM.

Choosing the right lawyer for your divorce is a difficult and extremely important and impactful task. You must ensure that their goal is to help you navigate through the process efficiently, while preserving the family relationships, and minimizing the negative impact divorce may have on your life. In addition, you need someone that will keep you informed throughout the process and advise you of all the developments in your case every step of the way; someone who will always be available to answer your questions and discuss your options.

On the other hand, you need someone who in the court room is a zealous litigator and has extensive experience and knowledge of divorce and family law. In asset driven cases, you need an advocate who has a strong financial background to assist you in gaining the most favorable outcome.

It is even recommended to find someone experienced in mediation, which is often the easiest, least expensive, and fastest way to come to a settlement, because not every divorce will require litigation. In other instances, the collaboration law

process, which puts you and the other party in charge of all decision-making, may be the best approach. This allows you to determine the most fair and appropriate solutions for your unique situation, and having a lawyer who can guide you through the mediation/collaborative process is essential.

Shah & Kishore recommends these practices, because we use these practices to get the most satisfactory solutions for our clients, and we have a proven track record that supports this.



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GROUNDS FOR DIVORCE

THE BEST WAY OUT OF AN UNHAPPY MARRIAGE IS A CLEAR AND FOCUSED PATH. SHAH & KISHORE'S KNOWLEDGE AND EXPERIENCE ALLOW US TO ACCURATELY EVALUATE YOUR SITUATION AND FIND THE BEST GROUNDS FOR DIVORCE.

Absolute Divorce

Absolute divorce is the permanent dissolving of a marriage by the court. Once the absolute divorce decree is entered, a spouse may remarry, and the court has made the final determination of the distribution of marital property. Some grounds for an absolute divorce require a waiting period (legal separation) before you can apply for an absolute divorce.

Grounds with a waiting period:

- ▶ Statutory separation (1 year)
- ▶ Desertion
- ▶ Insanity
- ▶ Imprisonment

Grounds with no waiting period:

- ▶ Adultery
- ▶ Cruelty or excessively vicious conduct
- ▶ Mutual consent

Limited Divorce

Limited divorce, or legal separation, is often filed when an individual is looking to receive a court order for some type of money or relief, like child support or alimony, during the divorce process. It can be filed in any circumstance that an absolute divorce cannot be filed, due to grounds that require a waiting period. During the limited divorce period a married couple is separated, but not yet eligible to fully dissolve the marriage (absolute divorce). Due to the required waiting period spouses may not remarry and there is no distribution of marital property.

Grounds:

- ▶ Voluntary separation
- ▶ Cruelty
- ▶ Desertion

NOTE: Each of these grounds includes specific conditions that must be met. For more information, see our in-depth divorce resources at www.maryland-lawoffice.com/helpful-resources/divorce-in-depth



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DIVORCE TIMELINE | WITHOUT MINOR CHILDREN

RETAIN FIRM

FIRM FILES COMPLAINT

SERVE OPPOSING PARTY

15 DAYS

ESTIMATED TIME PERIOD TO SERVE OPPOSING PARTY

TIME PERIOD FOR OPPOSING PARTY TO FILE AN ANSWER AND POSSIBLY FILE A COUNTER COMPLAINT

30 DAYS

MARYLAND RESIDENT

60 DAYS

OUT OF STATE RESIDENT

90 DAYS

OUT OF COUNTRY RESIDENT

SCHEDULING CONFERENCE / 1ST COURT DATE

15-30 DAYS

APPROXIMATE TIME PERIOD AFTER THE ANSWER IS DUE

PL

PENDENTE LITE HEARING (PL)
EITHER PARTY CAN REQUEST A HEARING FOR TEMPORARY ISSUES SUCH AS ALIMONY

FINANCIAL ASPECTS

ISSUES DETERMINED:
DISTRIBUTION OF MARITAL PROPERTY
ALIMONY
MONETARY AWARDS
COUNSEL FEES

Final trial date (merits hearing) will depend on the eligibility for divorce based on grounds for divorce.

DIVORCE ELIGIBILITY

Eligible if spouses are separated for 12 months w/o interruption, or immediately if grounds require no waiting period.

30-60 DAYS PRIOR TO ELIGIBILITY

DISCOVERY COMPLETED

0-30 DAYS

SETTLEMENT CONFERENCE

From the Date of Eligibility for Absolute Divorce

3-4 MONTHS

FINAL TRIAL DATE (MERITS HEARING)

From Settlement Conference Date
More trial days requested will push scheduled trial dates further out.

ADR/MEDIATION CAN/WILL BE ORDERED IF TRIAL TIME REQUESTED IS MORE THAN HALF A DAY AS LONG AS BOTH PARTIES HAVE COUNSEL.



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DIVORCE TIMELINE

WITH MINOR CHILDREN INVOLVED

RETAIN FIRM

FIRM FILES COMPLAINT

SERVE OPPOSING PARTY

15 DAYS

ESTIMATED TIME PERIOD TO SERVE OPPOSING PARTY

TIME PERIOD FOR OPPOSING PARTY TO FILE AN ANSWER AND POSSIBLY FILE A COUNTER COMPLAINT

30 DAYS

MARYLAND RESIDENT

60 DAYS

OUT OF STATE RESIDENT

90 DAYS

OUT OF COUNTRY RESIDENT

SCHEDULING CONFERENCE / 1ST COURT DATE

15-30 DAYS

APPROXIMATE TIME PERIOD AFTER THE ANSWER IS DUE

COURT SCHEDULES FUTURE COURT DATES

CASE IS BIFURCATED IF MINOR CHILDREN ARE INVOLVED AND CUSTODY IS BEING DISPUTED

PL

PENDENTE LITE HEARING (PL)

EITHER PARTY CAN REQUEST A HEARING FOR TEMPORARY ISSUES SUCH AS: ALIMONY | CHILD SUPPORT | ACCESS SCHEDULE

DIVORCE ELIGIBILITY

Eligible if spouses are separated for 12 months w/o interruption, or immediately if grounds require no waiting period.

CHILD CUSTODY/SUPPORT*

COURT WILL ORDER:

EITHER PARTY COULD REQUEST THESE SERVICES:

FINANCIAL ASPECTS**

ISSUES DETERMINED:
PHYSICAL & LEGAL CUSTODY
ACCESS SCHEDULE
CHILD SUPPORT

PARENTING SEMINAR FOR BOTH PARENTS
MEDIATION***

APPOINT BEST INTEREST ATTORNEY (BIA)
CUSTODY EVALUATION

ISSUES DETERMINED:
DISTRIBUTION OF MARITAL PROPERTY
ALIMONY
MONETARY AWARDS
COUNSEL FEES

** Final trial date (merits hearing) will depend on the grounds for divorce.
More trial days requested will push schedule dates further out.

* More trial days requested will push trial dates further out.

DISCOVERY COMPLETED

60-90 DAYS

30 days prior to settlement conference

30-60 DAYS PRIOR TO ELIGIBILITY

DISCOVERY COMPLETED

SETTLEMENT CONFERENCE

3-4 MONTHS

From Date of Eligibility for Absolute Divorce

0-30 DAYS

SETTLEMENT CONFERENCE

FINAL TRIAL DATE (MERITS HEARING)

4-5 MONTHS

From Settlement Conference Date

3-4 MONTHS

FINAL TRIAL DATE (MERITS HEARING)

***Mediation will NOT be ordered by the court if there is history of domestic violence or if either party does not have counsel.

ADR/Mediation can/will be ordered if trial time requested is more than half a day as long as both parties have counsel.



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CHILD CUSTODY & SUPPORT

MINIMIZING THE EFFECT OF DIVORCE ON CHILDREN IS A PRIORITY FOR ALL PARENTS. AT SHAH & KISHORE, WE TAKE INTO CONSIDERATION THE BEST INTEREST OF THE CHILDREN DURING THE ENTIRE LEGAL PROCESS, KEEPING THE FAMILY STRUCTURE AND ROUTINE AS STABLE AS POSSIBLE.

Child custody refers to the day-to-day care, major decision making, and residence of a child. During the divorce process, decisions must be made to determine who has legal and physical custody of the child/children. In Maryland, if the authority for major decision making (meaning medical, educational, and religious decisions) is given to one parent, they have sole legal custody, and if a child spends less than 128 days overnight in a calendar year living at one parent's residence, the other parent has primary physical custody. Child support is determined based on the physical custody arrangement consented to by the parties or ordered by the court. All custody determinations made by the court are always done by taking into consideration the child's/children's best interest.

Just as every family is different, every case involving a child/children is different. Unfortunately, not every child custody case can be resolved easily. In contentious cases, Shah & Kishore will advocate for you to achieve the best possible result, while always keeping the best interest of the child/children at the forefront.



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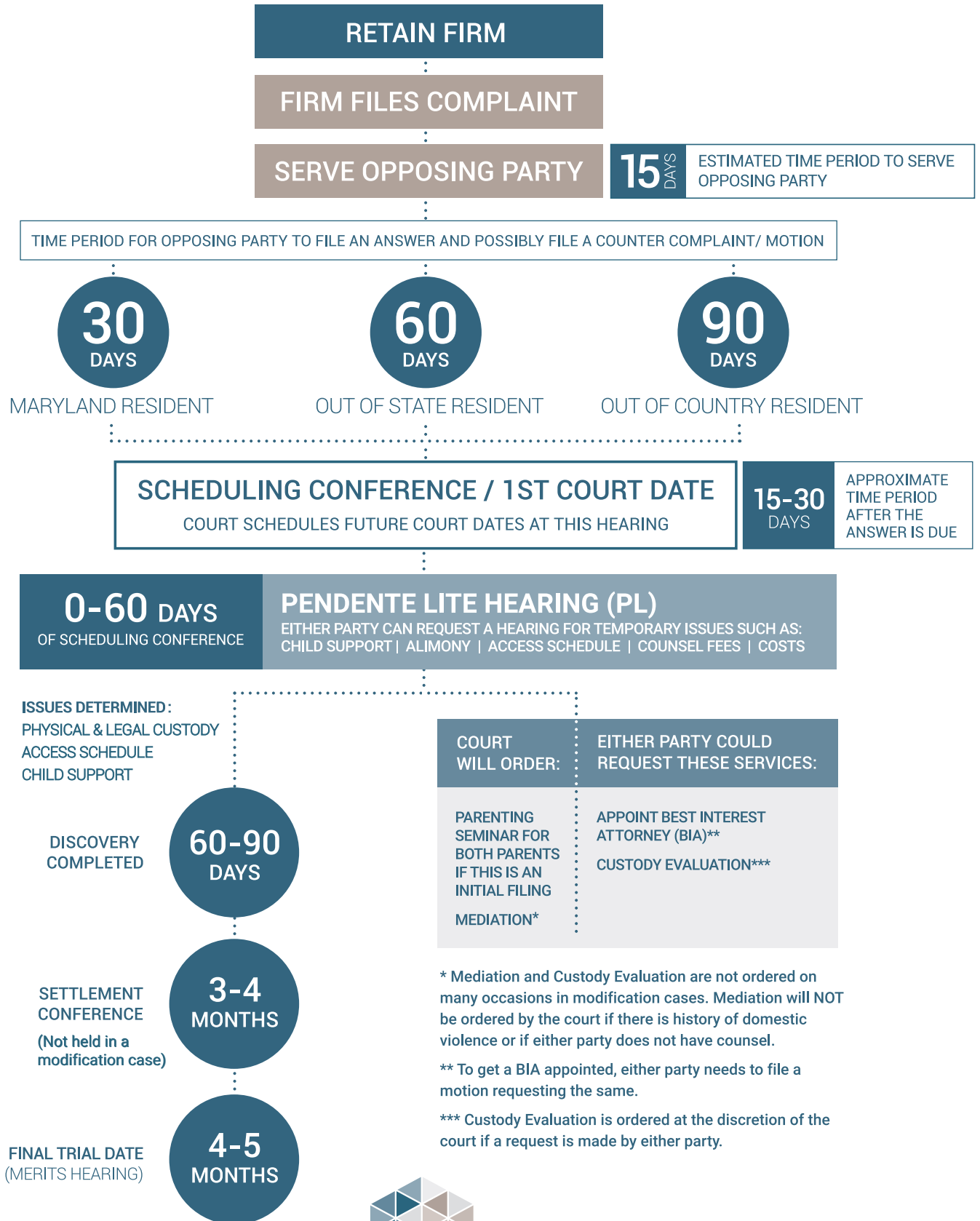
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CUSTODY TIMELINE

INITIAL CUSTODY CASE
/CUSTODY MODIFICATION



DIVISION OF PROPERTY

MULLING OVER WHICH ITEMS WILL COUNT AS “MARITAL PROPERTY” CAN ADD TO THE STRESS OF DIVORCE.

The Marital Property Act states that property must be distributed equally to account for monetary and nonmonetary contributions to the marriage. In some cases, this process is a straightforward, black-and-white process. In others, defining an asset as marital or nonmarital falls into a gray area. This generally happens when property is a mix of both marital and nonmarital assets.

Marital property is defined as any item purchased after the marriage with funds earned or acquired after marriage – including real estate, investments, and vehicles, as well as things inside the house like appliances, furniture, jewelry, and memorabilia. These are all joint property in a marriage, regardless of who purchased the actual item. Marital property also includes investments that were funded, opened, or contributed to after the marriage – like stocks, bonds, retirement plans, pensions, and IRA's.

With the vast complexities of marital property, the protection of what is rightfully yours is key. To ensure you have the best protection, look for a lawyer who has a financial background and education. This is essential because this knowledge will help in getting proper valuation and division of your property.

Rahul Kishore has a financial background, and can



facilitate with the process of determining a fair valuation of an asset's market value. If property is disputed, we will zealously advocate on your behalf. Rahul Kishore's comprehensive business background, which includes an MBA and Bachelor's in Finance, gives him the knowledge and experience to effectively handle the financial aspects of any case be it complex or not.



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ALIMONY

ALIMONY CAN BE ONE OF THE MOST HIGHLY CONTESTED PARTS OF THE DIVORCE PROCESS. SEEKING THE ASSISTANCE OF AN EXPERIENCED ATTORNEY TO ADVOCATE ON YOUR BEHALF WILL ENSURE THAT THE ALIMONY AWARD IS FAIR FOR YOU.

Alimony is monetary spousal support provided to the lower income-earning spouse to help him/her transition into a self-supporting role. This is true no matter what type of alimony you are granted by the court.

Here's a quick overview of alimony in Maryland:

Permanent Alimony: Permanent alimony is granted when a recipient's age, disability, or illness makes it unlikely that he/she can become self-supporting, or when the standard of living of one spouse compared to the other would be unconscionably disproportionate.

Rehabilitative Alimony: Rehabilitative alimony lasts for a limited period of time until the recipient becomes self-supporting via education or training.

Pendente Lite Alimony: Pendente Lite Alimony is temporary support during litigation and is terminated at the time of the final divorce hearing.

Alimony payments end upon the death of the paying spouse or remarriage of the spouse receiving alimony, unless otherwise stated. Alimony is considered income for the recipient and a tax deduction for the

spouse paying, unless otherwise stated.

Due to the new **Tax Cuts & Jobs Act of 2018**, the automatic income to the payee will be eliminated (meaning they won't be taxed on the funds they receive), and the alimony paid out by the payor will be done with post tax dollars. This specific provision of the act will go into effect on January 1, 2019.



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RAHUL KISHORE

Rahul Kishore's 23 years of experience started with him earning an undergraduate degree in Finance and Economics, followed by a Juris Doctor in law, and a Master of Business Administration Degree from George Washington University. His education and special training gives him a unique skillset to handle complex divorce and financial cases.

Mr. Kishore's approach is to resolve divorces in the most amicable and cost-effective manner possible. He is certified in divorce and marital property mediation and is experienced in child custody mediation as well. His enhanced skillset helps him successfully handle custody cases with high-level conflicts that sometimes involve children with special needs. His education in finance and business also makes him ideally suited for handling cases that involve various asset types such as small businesses, real estate, and distribution of profit sharing plans between spouses.

Mr. Kishore is licensed to practice law in both Maryland and Washington, DC.



Over the past 5 years, Mr. Kishore has even earned these recognitions:

- ▶ **"Excellent" and "Superb" Lawyer Ratings on Avvo**
- ▶ **Avvo Client Choice Award, 2016, 2017 & 2018**
- ▶ **"10 Best Client Satisfaction Award" from the American Institute of Family Law Attorneys, 2016, 2017 & 2018**

AWARDS



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