LAW OFFICES OF
TODD K. MOHINK, PA

Maryland Divorce and Child Support: From First Filing to Final Order

A Glen Burnie and Columbia Family Law Attorney's Walk Through How Anne Arundel and Howard County Courts Decide These Cases

Todd K. Mohink

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Table of Contents

1. Foreword
2. About the Author
3. Introduction
4. Chapter 1: The Real Timeline for a Maryland Divorce
5. Chapter 2: Maryland's Three Grounds for Divorce
6. Chapter 3: Filing in the Right Courthouse
7. Chapter 4: Pendente Lite Relief, the Bridge Before a Final Decree
8. Chapter 5: Military Families and the Maryland Divorce Process
9. Chapter 6: Legal Custody, Physical Custody, and the Family Home
10. Chapter 7: Mediation, Discovery, and the Marital Settlement Agreement
11. Chapter 8: The Maryland Child Support Formula, from Guidelines to Final Number
12. Chapter 9: What Counts as Income Under Maryland's Guidelines
13. Chapter 10: Overnights, Custody Time, and the Support Number
14. Chapter 11: When the Support Number Can Change
15. Chapter 12: Why the Attorney You Hire Changes the Outcome
16. Frequently Asked Questions
17. Conclusion
18. Final Takeaways
19. Appendix: Sources
20. Legal Notice

Foreword

A Maryland divorce and child support case is a sequence of court filings, financial disclosures, and hearings. It carries a family from the day one spouse asks a circuit court to end a marriage to the day a judge signs a final order. It is a process with a shape, and a small number of early decisions tend to decide how long everything else takes.

Each working part carries a specific value in Anne Arundel and Howard County practice. The grounds a couple files under set the floor for how fast a case can move. A complete written agreement filed under mutual consent carries no waiting period at all. A case built on six months of separate living moves at a different pace entirely. Venue is fixed, not chosen. Cases from Glen Burnie route to the Circuit Court for Anne Arundel County in Annapolis, and cases from Columbia route to the Circuit Court for Howard County in Ellicott City. Custody splits into two questions, physical and legal, that get litigated separately. Child support runs on a legislative schedule keyed to both parents' combined gross income, capped at a defined ceiling.

Todd K. Mohink has practiced family law and criminal defense in Anne Arundel and Howard Counties for more than thirty years, and has run the Law Offices of Todd K. Mohink, PA for the past quarter century. He argued Braun v. Headley, a Court of Special Appeals decision now cited as mandatory authority in Maryland custody-relocation cases. The conversations this book is built from began as recorded episodes of Maryland Law Explained with Todd Mohink, where the format is a single Maryland scenario walked through start to finish.

The opening chapters map the divorce timeline. They cover how long an uncontested case takes against a contested one, the three grounds Maryland recognizes since the state's 2023 reform, which circuit court has jurisdiction, and what pendente lite relief does before a case is decided. From there the book follows the process outward, into the protections that apply near Fort Meade and how mediation turns a contested filing into a signed agreement. The later chapters turn to child support. It runs on a separate formula but the same logic: a schedule, a ceiling, and adjustments for insurance, daycare, and overnights.

Three chapters carry the most weight for a reader arriving mid-crisis. The chapter on the divorce timeline answers the first question almost everyone asks, because knowing whether a case takes four months or fourteen changes every decision after it. The chapter on how Maryland calculates child support answers the question with the most immediate financial consequence. The number the guidelines produce is rarely the number a parent expected before they saw the worksheet.

Read this before the first hearing date is on the calendar, not after. The decisions that shape a Maryland divorce or child support case are made earliest.

About the Author



Attorney headshot.

Todd K. Mohink is a Maryland family law and criminal defense lawyer who has practiced in Anne Arundel and Howard County courtrooms for more than thirty years. He is the founding lawyer of the Law Offices of Todd K. Mohink, PA, where his practice concentrates on divorce, custody, child support, and CPS and child-abuse civil matters, alongside selective high-end criminal defense. He is licensed in the Maryland state courts and is a member of the Federal Bar for the District of Maryland. His full biography is posted on the firm's attorney page.

Mohink's path to law was not the original plan. He graduated from the University of Maryland, College Park in 1990 intending to build a career in politics, interning with a Maryland senator's office before deciding that path required connections he did not have. He earned his J.D. from the University of Baltimore School of Law in 1995, interning with the Maryland Attorney General's Office and working cases through the school's Civil Legal Clinic before he had a diploma in hand. That early courtroom exposure set the pattern for how he has practiced since: family law and criminal defense, learned by doing rather than by watching.

After founding his own practice in Glen Burnie, Mohink expanded to a second office serving Howard County families in Columbia, and the firm's Anne Arundel County location, in the Empire Towers building on Ritchie Highway, remains its primary base. The firm's Howard County office sits across from the Mall in Columbia, giving Mohink a standing presence in both of the counties his podcast, Maryland Law Explained with Todd Mohink, was built to serve.

The case that best explains why courts and colleagues treat Mohink's opinion on custody disputes as informed rather than merely confident is Braun v. Headley, 131 Md. App. 588 (2000), a Court of Special Appeals decision he argued for the father of a child born outside marriage after the child's mother fabricated a medical excuse, telling Mohink's client the child had severe asthma, and used it to relocate the child to El Mirage, Arizona without his knowledge. Years of custody litigation followed, ending with full custody awarded to the father and limited access for the mother based on the court's findings about her psychological state. Opposing counsel pursued the case through the Court of Special Appeals, then to what is now the Supreme Court of Maryland, and finally sought review from the Supreme Court of the United States, which declined to hear it. The opinion held that a parent's constitutional right to travel does not override a child's best interests in a relocation dispute. And it remains mandatory authority that Maryland courts are required to apply in custody-relocation cases today. Mohink has since built a career, and a professional-membership list, around the same subject matter: he sits on the Anne Arundel County Bar Association's Family Law Committee and the Howard County Bar Association, belongs to the Maryland State Bar Association's Family Law Section, and holds memberships in the Maryland Criminal Defense Attorneys' Association and the National Association of Criminal Defense Lawyers. The National Trial Lawyers has named him to its Top 100 Trial Lawyers list. And he holds Martindale-Hubbell's Client Champion Award and Avvo's Client's Choice Award.

The connection between that record and this book is direct. *Maryland Divorce and Child Support* answers the two questions Mohink's Anne Arundel and Howard County clients ask most often, in the same plain register he uses with a family sitting across the conference table from him for the first time. He hosts Maryland Law Explained with Todd Mohink, distributed on Apple Podcasts and Spotify, and the firm keeps a presence on LinkedIn and Facebook under the Maryland Law Help name.

Readers who want to talk through a Maryland divorce or child support matter directly with the firm can schedule a consultation or call the firm directly at 410-766-0113, where a live answering service, not an automated line, takes calls every evening and weekend.

Introduction

Most people do not open a book about divorce or child support because they are curious. They open it because something has already started. A paper has been served, or a talk with a spouse has gone somewhere it cannot come back from. They want to know what happens next before someone else explains it to them in a courtroom.

I have spent thirty years watching that moment happen to Anne Arundel and Howard County families. The decisions that end up mattering most tend to get made in the first few weeks, by people who do not yet know they are making them. Whether to sign a complete agreement now or fight over the last ten percent. Whether to talk to a lawyer before or after answering the other side.

The first half of this book follows a Maryland divorce from the day it is filed to the day a judge signs the decree. The second half follows the child support guidelines from the statute to the number that lands on a monthly bank statement.

This is not legal advice for any specific case. It does not replace sitting down with a lawyer licensed in Maryland who has seen your paperwork.

01

CHAPTER ONE

The Real Timeline for a Maryland Divorce

Before anyone asks me about grounds, before anyone asks about custody, before anyone asks who keeps the house, they ask me how long this is going to take. Every time. A person sits down across the conference table from me in Glen Burnie or dials in from Columbia, and somewhere in the first five minutes, out it comes. How long?

So let me answer it the way I answer it on the phone. There are two routes this can go, and which one you end up on decides almost everything else. It decides what you pay. It decides how much of the next year you spend thinking about this instead of living your life. And here is the part most people do not expect: you and your spouse pick the route, not the judge.

One route is called uncontested. That means you have a written agreement that resolves all the issues from A through Z. Not most of them. All of them. The other route is litigated, which means you could not get there, so a complaint gets filed and a court starts running the case. I would say if you have the agreement, you are looking at two to four months. If you do not, you are looking at a year, and often longer than that.

That gap is not a small thing. It is the difference between a spring and a summer, and the difference between a legal bill you can absorb and one you feel for years.

> *"If they have an uncontested divorce, which means that they have a MSA or a marital separation agreement, which means that they've come up with answers for all of the questions, pretty much from divorce and custody all the way down to counsel fees, then they can submit what's called an uncontested divorce request, meaning that because the agreement resolves everything, that they're done. I would say if they do it that way, then they're looking at two to four months, depending on how quickly the paperwork passes."*
>
> — TODD MOHINK, ON HOW LONG AN UNCONTESTED MARYLAND DIVORCE TAKES

The two-to-four-month track

The document that puts you on this track is a marital separation agreement. Lawyers call it an MSA, and it is exactly what it sounds like: a written agreement, signed by both of you and preferably notarized, that answers every question your marriage leaves open.

I want to be precise about what every means, because this is where people get tripped up. It runs from what I would consider the first issue, which is custody and divorce, all the way to the last issue, which is attorney's fees. Custody, the house and the retirement accounts, child support and alimony, and the counsel fees at the end of it all have to be answered in writing. An agreement that settles four of those things and leaves the fifth for later is not most of the way to an uncontested divorce. It is a contested case with some progress in it.

Once that agreement exists, the rest of it is close to administrative. You submit what is called an uncontested divorce request, and there is a hearing, but it is not a trial and it does not feel like one. It is usually a Zoom hearing, about ten minutes long, held to take the testimony a judge

needs to grant the divorce. Then your agreement becomes part of the judicial divorce and you are done.

Two to four months, depending on how quickly the paperwork passes. Notice what that timeline turns on. Not a courtroom, and not a judge's calendar, but the paperwork, which is the whole reason the number stays as small as it does.

The year-or-longer track

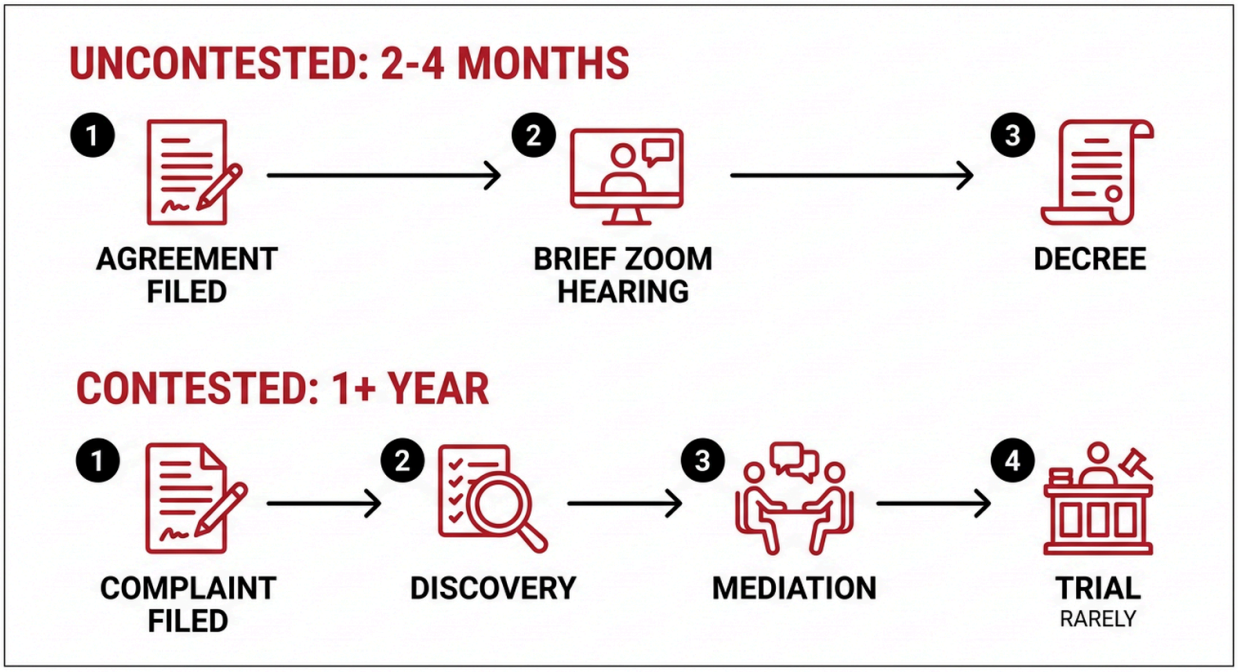
Now the other road. If a complaint for divorce or custody gets filed and the two of you do not agree on the big issues, meaning divorce, custody, property and retirement, then you are headed for trial, at least on paper.

For a case like that, I would say a minimum of a year to a year and three or four months. Put custody in the middle of it and the number gets worse, because once you are into court evaluators and expert witnesses, you are talking at least a year, if not more, and a very significant sum of money along with it.

The part I want you to sit with, though, is the strangest fact about this whole system. I still think about ninety-eight percent of these cases settle before their actual court date.

Read that again. The long road is usually not the road to a trial at all. It is the long, expensive road to the same kind of agreement the other track reaches in two to four months. Most contested cases end in a signed agreement; they just spend a year and a great deal of money getting there.

Sometimes that year is unavoidable, because one side genuinely will not move and there is nothing you or your lawyer can do about it. But if you are on the contested track over a single open issue that both of you could probably live with settling, you are buying a year of your life and a much larger bill to arrive somewhere you could have reached by spring.



The two paths through a Maryland divorce: an uncontested case running two to four months, against a contested case running a year or more.

The courthouse adds months you did not cause

Part of that year has nothing to do with you, your spouse, or anything either of you is arguing about. It is the docket.

The two courts I spend the most time in are Anne Arundel County Circuit Court and Howard County Circuit Court. Both of them right now are so overloaded that when you look for a court date, you are looking for a court date months and months down the road. That is the line every estimate in this chapter sits on top of. You could resolve every real issue in your case by month four and still be sitting in month ten waiting for a trial slot that nobody needs anymore.

Family cases absorb that delay so badly for a structural reason, and it is worth understanding. In criminal cases there is a requirement that a trial occur within a certain period of time, unless the defendant agrees that there needs to be more time. That rule pushes criminal cases to the front of a crowded calendar. Nothing like it exists for a contested divorce or custody complaint. There is no clock forcing your case forward. So it waits behind every case that has one.

I am not telling you this to make you feel stuck. I am telling you because it changes what a settlement is actually worth. When you are weighing whether to keep negotiating or let a judge decide, you are not choosing between an agreement now and a ruling in a few months. You are choosing between an agreement now and a ruling after a wait you do not control.

What it costs, and the number that is not in dollars

Time is the first question. Money is the second one, and it arrives about thirty seconds later.

One of the good things in Maryland law is that if the parties can come to an agreement, they can save themselves a huge amount of emotional stress and a huge amount of money by doing what is called an MSA or a consent order. Read that sentence for what it lists first. Emotional stress comes before money, and that is not a courtesy. In these cases it is usually the larger number.

On the money side, the difference between the two tracks is not a percentage. An uncontested case is a handful of filings and a short hearing. A contested case carries discovery, expert witnesses and evaluators, and then the courtroom time on top, plus every hour your lawyer spends answering the other side's version of all of it. Those are not the same kind of bill.

Lawyers who do this work have a joke about how a good domestic settlement looks. Things went well if neither party was satisfied. It sounds cynical the first time you hear it. It is not. It means both of you gave in enough to make it work, and when there are children involved, that is so important. Nobody walks out of a family case with everything they asked for. The question is whether you spent a year and a great deal of money to find that out, or four months.

Why the fork happens before you ever call a lawyer

Here is what I want you to take away from this chapter. The decision that sets your timeline usually gets made before anyone hires anybody.

The case does not get moving until someone files and then someone gets served. That is how the litigation process begins. But the choice about which track you are on was made earlier than that, in kitchen conversations, in what each of you decided you were willing to talk about. And on the custody piece especially, I have a firm opinion about which way that choice should go.

The more the parties agree to, in my personal opinion and the opinion of most judges, the more the parties agree specifically regarding custody issues, the better off the situation is for their children. The reason is not complicated, and it is not a legal argument at all. No judge who meets your kids through testimony in two or three days is ever going to know your kids the way the parents do.

That is the whole case for agreement, in one line. A contested custody trial hands the most important decision in your child's life to someone who is meeting that child through two days of adult testimony and a stack of papers. You already know the child. You know the bedtime, the teacher, the thing that upsets them, the friend who matters. Every issue you resolve yourselves is an issue decided by the two people in the room who actually have that information.

So when you ask me how long a Maryland divorce takes, understand what you are actually asking. You are asking how much you and your spouse are prepared to settle between yourselves. That answer, more than any court calendar, sets your number.

Common questions

How long does an uncontested divorce take in Maryland?

Two to four months from filing to a signed decree, as long as you have a complete marital separation agreement covering divorce, custody, property, and counsel fees. The case usually closes with a short Zoom hearing, about ten minutes, to take the testimony a judge needs to finalize the agreement. The timeline depends on how quickly the paperwork passes, not on a trial date.

How long does a contested Maryland divorce take?

A minimum of a year to a year and three or four months, and longer once custody brings in court evaluators and expert witnesses. Most contested cases still settle before their actual court date, so the long timeline is usually the expensive road to an agreement rather than the road to a trial.

Does a Maryland divorce require living in separate homes first?

Not under every ground. The legislature changed the law so you can seek a divorce while you are still living together. I am not telling you that makes it easier. Living under the same roof while a case is pending is hard, and *"in some areas I think it makes it much more difficult,"* not less. But you can legally file.

Why does a contested case take a year when most of them settle anyway?

Two reasons stack up. Contested cases run through discovery, evaluators, and expert witnesses, all of which take real time. Then the docket adds its own delay, because Anne Arundel and Howard County are both booked months and months out. Criminal trials have a statutory deadline pushing them forward. Family cases do not, so they wait.

Chapter reflection

The timeline question sounds like scheduling. It is not. It is a choice, and most families make it without ever noticing they made it.

Settle everything, and you have chosen two to four months. Leave one major issue open, and you have chosen a year and a bigger bill and a wait nobody in the case controls, most likely to arrive at an agreement in the end anyway. That is the trade, laid out plainly, and it is worth understand-

ing before you are standing in the middle of it.

The next chapter goes back one step further, to the three grounds Maryland recognizes for ending a marriage, because which ground you file under is the first visible sign of which track you are already on. My Glen Burnie and Columbia teams each keep their own walk-through of that first step online: the firm's Glen Burnie divorce team and the Columbia office's divorce page.

02

CHAPTER TWO

Maryland’s Three Grounds for Divorce

A ground is the legal reason you give the court for ending your marriage. You have to pick one to file, and you now have three to pick from.

Maryland eliminated its fault-based divorce grounds in 2023. The state now recognizes three no-fault grounds under the Family Law Article: mutual consent, six-month separation, and irreconcilable differences.

Most people walk in assuming this part is a formality, a box you check on page one. It is not. Each ground asks you for something different before you are allowed to use it, and picking the wrong one can cost you months you did not have to spend. I have watched people wait out a separation period they were never required to serve, because they were working from what a divorce looked like in Maryland fifteen years ago.

So let me take them one at a time, and tell you what each one actually demands from you.

Mutual consent, where the wait is zero and the price is a complete agreement

Mutual consent is the fastest ground on the books. It is fast because of what it asks for up front, not because of any clock that runs shorter.

Under Md. Code, Family Law § 7-103, a mutual consent divorce requires a written settlement agreement signed by both parties. That agreement has to resolve alimony, property, and the care, custody, and support of any minor children. A completed child support guidelines worksheet goes with it where one applies. There's no minimum separation period attached to this ground at all.

That is the same A-to-Z agreement I described in the last chapter, the one that answers every question pretty much from divorce and custody all the way down to counsel fees. Once you have it, you file the uncontested request and the case is short.

The statute builds in two safeguards on top of that agreement. Either party can still file to set the agreement aside before the hearing, which keeps a case from finalizing over an objection raised at the last minute. And even with a complete agreement in hand, a judge isn't simply rubber-stamping it. The court still has to independently find that whatever your agreement provides for the children serves their best interests before signing off.

That last one is not a formality. A judge who reads your custody schedule and does not like it can say so.

> *"Maryland has changed its grounds from divorce from a number of different ones to one called irreconcilable differences, which means that now even if you live, and this is super important, even if you live in the same home, you can still seek a divorce from your spouse."*
>
> — TODD MOHINK, ON MARYLAND'S 2023 SHIFT TO NO-FAULT DIVORCE GROUNDS

Six-month separation, and what living apart has to mean

A lot of Maryland residents remember a waiting period and assume it applies to everything. The waiting period still exists. It just belongs to one specific ground now: living separate and apart, without interruption, for six months before you file.

This is the distinction people get backwards most often, so let me be blunt about it. If you have a complete signed agreement, you gain nothing by sitting out six months first. Mutual consent is open to you today. The six-month clock is for the couple who have been apart but have not finished agreeing on everything.

Then there is the name of the ground, which makes it sound like it requires two mailing addresses and two rent payments. The statute is narrower than the name.

Under Family Law § 7-103(b), the court treats parties who are pursuing separate lives as living separate and apart even if they still occupy the same home. That holds even where a court order is the reason the arrangement exists. In practice, that means a couple who has genuinely stopped functioning as a married couple, no shared finances, no shared bedroom, no shared routine, can satisfy the six-month clock without either spouse moving out.

You do have to be able to show a judge later that the separation was real, and not a fiction staged for the filing.

That matters more than it sounds. Running two households in Anne Arundel or Howard County is expensive, and for a lot of families, a required year apart was not a legal inconvenience. It was the reason they stayed married.

Irreconcilable differences, the ground with no wait and no agreement required

The third ground, irreconcilable differences, lets you seek a divorce based on reasons you state to the court for the marriage's permanent breakdown. No six-month separation requirement, no complete settlement agreement in hand required. It's the ground for a couple whose marriage is over but who have neither reached full agreement nor lived apart for six months yet.

This one changed something practical that a lot of Anne Arundel and Howard County couples still do not know: even if you live in the same home, you can still seek a divorce from your spouse. None of the three current grounds requires proof that you physically separated.

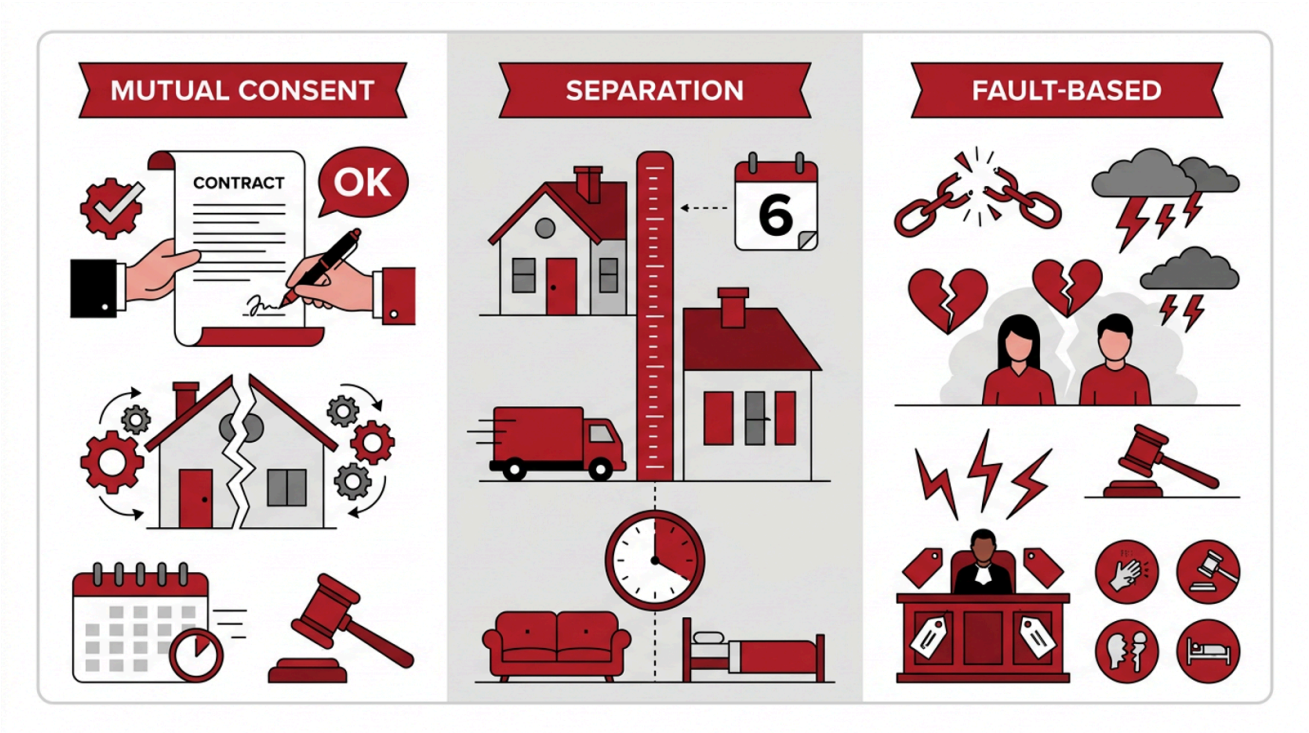
Unlike the fault-based grounds Maryland eliminated, proving irreconcilable differences doesn't call for evidence of misconduct by either spouse. You state the reasons the marriage has permanently broken down, and the court isn't adjudicating who caused that breakdown, only whether it genuinely happened.

What the old law required, and why the change is a big deal

The current structure feels ordinary now. It replaced something considerably harder.

Maryland before that used to have a policy and legislation where you had to be physically separated for a year, which means you could not reside in the same house as your spouse, and you could not have sexual relations with them for a year before you could file. A full year. Two roofs, two sets of bills, no exceptions, before either of you was allowed to walk into the courthouse and ask.

That standard was not just slow. For a lot of the families I sat across from, it was unworkable, because they could not afford to run two households for a year to buy the right to file. So they stayed. Shortening the clock and dropping the residency requirement did not make getting a divorce easy, and I would not tell you it did. What it did was make access to the legal system much better for people who could not buy their way to the courthouse door.



Maryland's three grounds for absolute divorce: mutual consent, six-month separation, and irreconcilable differences.

Picking the wrong ground costs you months

Basically, these three are not interchangeable, and the wrong pick has a real price.

Have a signed, complete agreement? File on mutual consent now. Waiting out a six-month separation first buys you nothing at all. Been separated six months but still fighting over custody or the house? Mutual consent is not available to you, so you are filing under the separation ground or irreconcilable differences, depending on your facts.

And here is the advice that does not change no matter which of the three you land on. Unless you have a completely uncontested divorce, meaning the only thing you literally have to do is say you do not live together anymore and that you were married, I do not recommend anybody, contested or uncontested, doing this without a lawyer if it is affordable to them. If it is not affordable, that is a different conversation, and there are agencies out there that help litigants who do not have lawyers. But do not confuse a simple-sounding ground with a simple case.

Common questions

What are the three grounds for divorce in Maryland?

Mutual consent, six-month separation, and irreconcilable differences, all under Family Law § 7-103. Mutual consent requires a complete written agreement but no waiting period. Six-month separation requires living apart without interruption for six months. Irreconcilable differences require neither, as long as you state the reasons the marriage has permanently broken down.

Do you have to live apart before filing for divorce in Maryland?

Not under every ground. Mutual consent and irreconcilable differences both let you file with no separation period at all, including while you are still sharing a home. Only the six-month separation ground requires time living apart. The legislature changed this, and it is a big deal for anyone who cannot afford two households.

Can you get divorced in Maryland without a lawyer?

I do not recommend it for anyone whose case is not completely uncontested, and I mean that for contested and uncontested cases alike, if hiring one is affordable to you. If it is not affordable, there are agencies out there that will help litigants who do not have lawyers. What I would not do is skip the question because the ground sounds simple.

Does it matter which ground I file under if I am going to settle anyway?

It matters for your timeline. Mutual consent runs on the agreement alone, so a couple who have settled everything can file immediately instead of waiting out six months they never owed. Choose a ground that does not fit your facts and you either wait unnecessarily or file something you cannot support.

Chapter reflection

Which ground your case files under is usually the first honest signal of where it is headed. Mutual consent means the hard work is already behind you. The other two mean at least one question is still open, and that open question is what the next several chapters are about.

But before any of that, there is a mechanical step that trips up more first-time filers than any ground ever has, and it is the one nobody thinks to ask about. Which courthouse actually has your case.

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CHAPTER THREE

Filing in the Right Courthouse

Here is an assumption that trips up first-time filers in both Anne Arundel and Howard County, and it is a completely reasonable one to make. People assume the courthouse closest to them, or the one in their own town, handles their divorce. It does not.

Maryland puts all divorce, custody, and family property jurisdiction in one court per county. One. If you live in Glen Burnie, that court is not in Glen Burnie. If you live in Columbia, it is not in Columbia. Knowing which building your case belongs in is the first mechanical step in filing correctly, and getting it wrong costs you time you will not get back.

So let me give you both addresses, and then the thing that happens the moment you file.

Anne Arundel County, and why the Glen Burnie courthouse is the wrong one

The first thing is that it is important for people who live in Glen Burnie to know that the court which deals with child support, and with family law generally, is called the circuit court.

Now, the confusion here is understandable rather than careless, because there genuinely is a courthouse in Glen Burnie. There is a district court right here in Glen Burnie. People drive past it, and they reasonably assume that is where this happens.

A District Court and a Circuit Court are two different courts under Maryland's system, and the district-level court carries no family law jurisdiction at all. Family cases from Glen Burnie and everywhere else in Anne Arundel County file at the Circuit Court for Anne Arundel County, at 8 Church Circle in Annapolis, Maryland 21401.

I want to be precise about why that one building matters. Anne Arundel County Circuit Court is the only place where divorce and custody decisions can occur that are on a more permanent basis, meaning something other than the temporary relief you might get from a protective order somewhere else. A protective order can move fast and it can change where a child sleeps tonight. It is not a custody decision. The permanent decision comes out of Annapolis.

> *"There is only one court in Maryland that does family law work, meaning specifically custody, divorce, property, counsel fees, and that's the circuit court for Howard County, that is located in Ellicott City. And for listeners out there who need the address, it is 9250 Judicial Way, Ellicott City, Maryland 21043."*
>
> — TODD MOHINK, ON WHICH COURT HANDLES A COLUMBIA FAMILY'S DIVORCE OR CUSTODY CASE

Howard County, and the same rule with a different address

Columbia has its own everything. It does not have its own family court.

Howard County family cases route to the Circuit Court for Howard County in Ellicott City, at 9250 Judicial Way, Ellicott City, Maryland 21043. Same structure as Anne Arundel, same principle. One court in the county does custody, divorce, property and counsel fees, and that is the one your case goes to no matter which village you live in.

These are the two courthouses I spend most of my working life in. That is not a small detail for a Columbia or Glen Burnie family, and I will come back to it in the last chapter of this book, because who stands up in a building matters more than people expect.

Filing it yourself, and the twenty-page problem

Neither courthouse has a simplified track for someone without a lawyer. The paperwork is the paperwork.

There used to be a time when people would come in to meet me and I would sit with them at a conference table and say, tell me what you want for physical custody, tell me what you want for legal custody. I would write down my notes, and then we would ask for that when we filed. That was the whole intake.

That has changed. Now people come in with “a 20-page ChatGPT chart that tells you tons and tons of information that has no relevance to what we’re trying to accomplish here.” Twenty pages. And the person holding it believes, understandably, that they have done the work.

The gap I want you to see is between having a document and understanding what a Maryland circuit court judge is being asked to decide. Those are not the same thing, and the second one is what actually moves your case. A generated chart does not know which county you are in, which judge is sitting, what the court already ordered last year, or which of your twenty pages is the one that matters. I see that gap turn into months, and it is one of the more avoidable reasons a case runs long.

The clock that starts the second you file

Filing in the right building only starts this. Once a complaint for divorce or custody is filed, Maryland law puts a hard deadline on what happens next, and it is one of the most consequential procedural facts a person can miss.

Here are the mechanics and the stakes together: “that complaint has to be served within 60 days, along with a summons to the party that’s getting served, which says that they have 30 days to respond to any service, or they will be held in what’s called default.”

Sixty days to serve. Thirty days to answer. Miss the second one and you are in default, and default is not a technicality. “The side that filed originally and did not receive a response pretty much gets whatever they want.”

Read that plainly, because it is the part that should make you act. If you have been served and you decide to wait, on the theory that nothing happens until there is a hearing date on a calendar, you are handing the other side the outcome they asked for. No judge weighs your position against theirs, because you never put one on the record. There is nothing to weigh.



A Maryland circuit courthouse, where every contested divorce and custody case is decided.

You are probably not done with this courthouse

A large share of the cases that come through my office in a year are not new filings. They are returning families.

The reason is jurisdiction. The court holds jurisdiction over children until they are 18 years old, and for child support until 19 under certain circumstances. As I put it, "the court retains jurisdiction for a long, long time." The decree does not close the file. It sets terms the same court can revisit for as long as your child is covered by it.

So if you move out of state, remarry, or need to change a custody or support order years from now, expect to file that request in the same Anne Arundel or Howard County courthouse that handled the original case. You do not start over somewhere new.

And when you come back, bring the paper. The best thing you can do if you are coming in for a modification or a change or because you are moving to another state is bring the existing orders and any pleadings you have to me or my office. Beyond that, bring as much information as you can about your employment, your finances, your taxes and your assets. That is pretty much what we need to tell you where you stand, and the visit goes very differently when you have it with you.

Common questions

What courthouse handles a Glen Burnie divorce?

The Circuit Court for Anne Arundel County, at 8 Church Circle in Annapolis. It is the only court with jurisdiction over divorce, custody and family property matters in Anne Arundel County. The district court in Glen Burnie itself is a different court and does not handle family law, which is the mix-up I see most often from that side of the county.

What courthouse handles a Columbia divorce?

The Circuit Court for Howard County, at 9250 Judicial Way in Ellicott City. It is the only court in Maryland that does family law work for Howard County, meaning custody, divorce, property and counsel fees, so every Columbia family files there regardless of which village they live in. Nothing about a Columbia address changes that.

Is there a family law court in Glen Burnie or Columbia themselves?

No. Both sit inside counties whose family law jurisdiction is centralized in a single circuit court, in Annapolis for Anne Arundel County and in Ellicott City for Howard County. Glen Burnie does have a district court of its own, which is the source of most of the confusion, but it carries no family law jurisdiction at all.

What happens if I do not respond after being served with a Maryland divorce complaint?

You have 30 days from service to answer, or you can be held in default. The consequence is blunt: the side that filed and got no response pretty much gets whatever they want, because there is no opposing position on the record for a judge to weigh against it. Waiting for a hearing date is not a strategy.

What should I bring if I am coming back to modify an existing order?

Bring the existing orders and any pleadings you already have, and then as much as you can gather about your employment, your finances, your taxes and your assets. Those are pretty much the things we need, and having them in hand is the difference between an answer that day and a second appointment.

Chapter reflection

The address is the easy part of this chapter. The part worth carrying forward is what starts moving the moment your paperwork crosses that counter.

Sixty days to serve, thirty days to answer, and a court that will keep this file open for as long as your child is a child. Filing is not the end of a decision. It is the beginning of a schedule that runs whether or not anyone is paying attention to it.

Which raises the question that catches most families next. A contested case can run a year, and your rent, your child's school week and your bills do not pause while it does. Maryland has a tool for exactly that gap, and it has a Latin name that hides how practical it is.

04

CHAPTER FOUR

Pendente Lite Relief, the Bridge Before a Final Decree

A contested divorce can run a year, sometimes a year and three or four months. Your mortgage does not know that. Neither does your child's school year, your car payment, or the electric bill that shows up on the same day it always has.

That is the problem this chapter is about, and Maryland has an answer for it with an unfortunate name. The answer is a set of temporary orders a court can put in place while your case is still running, so your family is not living in limbo for a year waiting on a judge. If the question in front of you is who pays the mortgage starting next month, this is the chapter. Learn more about spousal support.

What pendente lite means, in English

Pendente lite is Latin. It means while the suit is pending. If I was explaining it to someone who is not a lawyer, I would say it is a temporary solution to the problem.

Here is the structure underneath it. In the stage of divorce and custody, there are two stages. The first stage runs from the time it is filed until the time you reach what is called the merits in the case. The merits is the final stage, the one where the case is actually decided. Everything before that is the first stage, and that first stage is where pendente lite relief lives.

During it, you can ask the court for temporary child support, temporary custody, or temporary alimony. Those are real orders. A judge signs them, they take effect, and the other side has to follow them.

And all of it comes with one crucial condition attached: it is all with the understanding that it does not have an effect on the final, or what is called the merit stage, which is the stage you reach when you are up for your final divorce. A temporary order is not a preview. It is a bridge.

> ***"There's two ways that this thing gets decided. Either the parties decide that their children are more important to each other than hurting the other person, or they realize that maybe it would be better for the kids if instead of fighting so much, they simply came to an agreement and went their separate ways."***
>
> — TODD MOHINK, ON HOW THE BILLS, THE CHILDREN AND THE HOUSE GET HANDLED WHILE A CASE IS STILL OPEN

One note on the Latin itself. Pendente lite translates as while the suit is pending, and that is exactly the stretch of time it covers: the months after a case is filed and before a judge decides it on the merits.

The alimony piece has its own statutory home. Under Md. Code, Family Law § 11-102, a court may award alimony pendente lite to either party in a pending divorce, alimony, or annulment proceeding. That's the specific authority a judge is exercising every time a temporary alimony order gets signed before a case reaches the merits.

Temporary is not the same as unimportant

The word temporary does a lot of damage here, because it makes people treat this stage as a formality they can sleepwalk through.

Look at what a pendente lite order actually decides. It decides who has the children on a school night, who pays the mortgage, and whether support money arrives on the first of the month or does not arrive at all. That is not a placeholder. For as long as the case is open, that is your life.

So I tell people to hold two ideas at once, and they pull in opposite directions. Do not read a temporary order as a signal about how the final decision will come out, because it carries no binding weight on the merits and a judge deciding the final case is not bound by it. And at the same time,

do not treat it as low stakes just because the label says temporary. Those are both true, and people usually manage to believe only one of them.

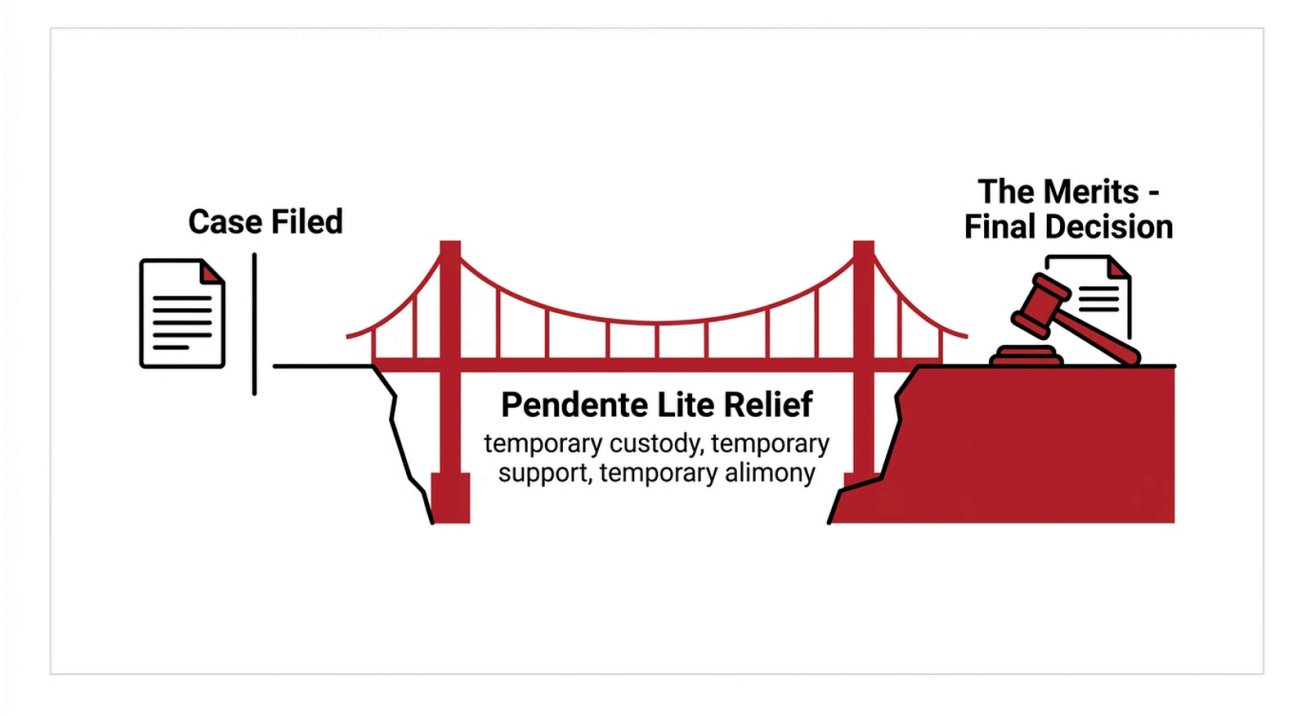
The bridge runs longer than anyone plans for

Pendente lite relief was built as a stopgap. In a contested case it often ends up governing your household for most of the case.

Go back to the docket problem from the first chapter. Both Anne Arundel and Howard County are so overloaded right now that when you look for a court date, you are looking for a court date months and months down the road. The merits stage is what sits at the end of that wait.

Now put those two facts next to each other. Pendente lite relief covers the gap between filing and the merits. The gap between filing and the merits is where the entire year lives. So the temporary custody schedule you agreed to without much of a fight, on the theory that it only has to hold for a few months, is the schedule your child actually lives on for most of a year.

That is why I do not treat this stage as a warm-up. A temporary arrangement that is workable for eight weeks and miserable for ten months is a bad outcome, and by the time everyone notices, changing it means another motion, another hearing and another wait.



Pendente lite relief as a bridge: temporary custody, support, and alimony spanning the gap between filing and a final decision on the merits.

Nobody hands this to you

The part that costs unrepresented parents the most is not complicated. Pendente lite relief has to be requested, and it is not automatic. No clerk is going to call and tell you it exists.

So a parent who files on their own, or who gets served and answers on their own, can be six or eight months into a case with no support order, no temporary custody order, and no idea that either was available the entire time. Not because a judge said no, but because nobody ever asked.

This is one of the most concrete reasons behind something I say constantly, which otherwise can sound like a lawyer arguing for lawyers. If you are going to get through a divorce situation, it is often better off to at least consult with an attorney before you make any moves. You cannot ask a court for a thing you do not know exists, and the gap between filing and the merits is precisely when your family most needs the support or the custody schedule nailed down.

The same mistake has a second version, and I see it more often than the first. Someone gets served, gets angry, and fires something off. What I do not recommend doing is having an emotional reaction or an anger reaction, where you get upset and you file something without turning to an attorney. You file an answer, and potentially a counter-complaint or a motion, and all of those things should be done by a lawyer who has an understanding of what they are for. The document you file in the first week is the one that frames the next twelve months.

One more thing, and it costs you nothing. Record everything in a journal or a diary that you think is worth your lawyer possibly listening to. Start now, before there is an order to enforce. A missed exchange or a canceled call written down the day it happened is evidence. The same story reconstructed from memory eight months later is a story.

Common questions

What is pendente lite relief in a Maryland divorce?

Temporary relief, covering things like child support, custody and alimony, available during the first stage of a case, which runs from filing until you reach what is called the merits. It gives you a working arrangement while the case is still open. As I put it, it is a temporary solution to the problem, not a decision about the final one.

Does a pendente lite order affect the final divorce decision?

No. It comes with the express understanding that it has no effect on the final stage, the merits stage you reach when you are up for your final divorce. It exists to solve the immediate problem of running a household while the case is pending. Do not read it as a signal about how the judge will ultimately rule.

How does a parent request pendente lite relief?

By asking the court for it once the case is filed, normally through your lawyer. It is not automatic and the court will not raise it for you, which is exactly why an unrepresented parent can go months without temporary support or custody in place. Nobody said no to them. Nobody asked.

How long does a pendente lite order usually stay in effect?

Longer than most families expect. It covers the gap between filing and the merits, and in a contested case that gap is most of a year, partly because Anne Arundel and Howard County are booked months and months out. Plan the temporary arrangement as though it has to work for a year, because it may have to.

Chapter reflection

Pendente lite relief answers one question and one question only: how does this family function while the case is still open. Who pays what, and where the children sleep, between now and a decision that is a year away.

It says nothing about how the property gets divided, what happens to a retirement account, or who ends up with custody at the end. Those come later, and they come harder.

For one group of Anne Arundel County families in particular, they also come with a whole additional layer of law sitting on top. If you or your spouse is at Fort Meade or NSA, there is a federal statute in the mix, a formula for the pension, and a gap in Maryland's own custody law that I have been trying to get someone in Annapolis to close.

05

CHAPTER FIVE

Military Families and the Maryland Divorce Process

My Glen Burnie office sits close enough to Fort George G. Meade and the National Security Agency that this is not a specialty I went looking for. It walked in, and if you are reading this chapter, you are probably why.

I am pretty experienced in this area, because I would say a good forty percent of my practice is people who are either at Fort Meade or NSA or those kind of places, who have either been in the military actively or were in the military and now do consulting work, which is big for post-military folks. That is a big deal for how you should read this chapter. If you serve, or your spouse does, this is not a footnote about an unusual client. It is your whole case.

So here is what actually changes when one of you serves, and what does not.

The rules stay the same, except for one thing

Start with the reassuring part. The rules pretty much remain the same, except for one important thing.

That one thing is this. If a spouse files against someone in the military, that person has the right to be protected in the rare event that they have been deployed, or that they are somewhere their commanding officer can write a letter to the court saying my client is not able to be here because they are in a war zone.

That protection exists because of the obvious unfairness it prevents. Without it, your spouse could file, serve you while you are physically in Afghanistan, wait out the thirty-day answer window from Chapter 3, and take a default judgment against you while you have no way to answer it. The statute exists so that cannot happen to you.

> *"I would say that the military is an area where I feel very comfortable with knowing what you have to do to properly represent someone that's serving in the military. I also serve on Anne Arundel County's SCRA board, which is the board that is designed to make sure that if someone is in the military and a divorce or a custody case is filed against them, that they have counsel which is appointed by United States statute to make sure that they are not going to lose out on a custody case or a divorce case if they are in fact deployed."*
>
> — TODD MOHINK, ON THE COURT-APPOINTED COUNSEL A DEPLOYED SERVICEMEMBER GETS

What happens when the court appoints someone like me

Here is the mechanism, and I am inside it, so I can tell you exactly how it runs.

Anne Arundel County keeps a panel of attorneys who volunteer for this work, and I am on it. If a party is allegedly served and that party is in the military, then under the SCRA, which is a federal act, they are appointed an attorney by the court. The non-military party must pay for that attorney. It is only $500.

Once the court appoints me, my job has two questions in it. Number one, do they live around here, and could they get to court if necessary? Number two, which is actually more important, are they deployed? And if they are deployed, are they deployed in a place that would stop them from being able to receive a divorce?

Notice what I am not doing there. I am not defending the case, and I am not arguing about your custody. I am establishing whether you can participate at all, and that answer is what the whole protection turns on.

The federal statute goes further than the appointment, and if you are the one deployed, these are the protections you have. Before a court can even consider entering judgment against someone who might be a servicemember, the plaintiff first has to file an affidavit addressing that party's military status. If the defendant turns out to be in the military, the court can't rule until counsel is appointed.

Beyond the appointment itself, the statute lets a servicemember or their appointed attorney ask the court to pause the case entirely. It directs a stay of proceedings of at least 90 days where the servicemember's own presence might be needed to raise a defense, or where counsel simply can't reach them yet. The protection survives even a judgment already entered.

Say a default judgment is entered against a servicemember during their service, or within 60 days after it ends. If their service materially affected their ability to defend the case, the statute lets them ask the court to reopen it. Provided they can show they actually had a defense to raise. The full text is at 50 U.S.C. §§ 3901 et seq.

Maryland law controls, not federal law

This is the misconception I correct most often, and if you have done your homework, you are more likely to hold it, not less.

A lot of guys come in here from the military, and women too, and think they know everything because they have looked at the statutes for the federal government. But the federal government does not decide your case. Maryland does.

If you are at Fort Meade or if you are at NSA, then Maryland law controls, not federal law. That is a difficult issue for a lot of people who are active in the military and think they have an understanding of how divorce and custody law works, because it is not the federal government that just gets to decide that, or even decide retirement. It is Maryland state law that figures that out.

Divorce is a state thing. It is not a federal thing. That reaches further than most people expect, because it covers the things a service member is most protective of. Pensions. TSPs. The retirement you have been building for twenty years. The rules of Maryland are what matter in the case of a divorce, not the federal rules, and reading a DoD regulation very carefully will not change that.

Federal law does draw the outer lines around military retired pay. The Uniformed Services Former Spouses' Protection Act, 10 U.S.C. § 1408, is what allows a Maryland court to treat that pay as marital property at all, and for divorces since late 2016 it fixes the divisible amount at the service member's pay grade and years of service as of the divorce. Maryland decides how the pay is split. Federal law decides how much of it is on the table.

The SCRA protects your right to participate in the case. It does not move the case, or the law it is decided under, anywhere else.

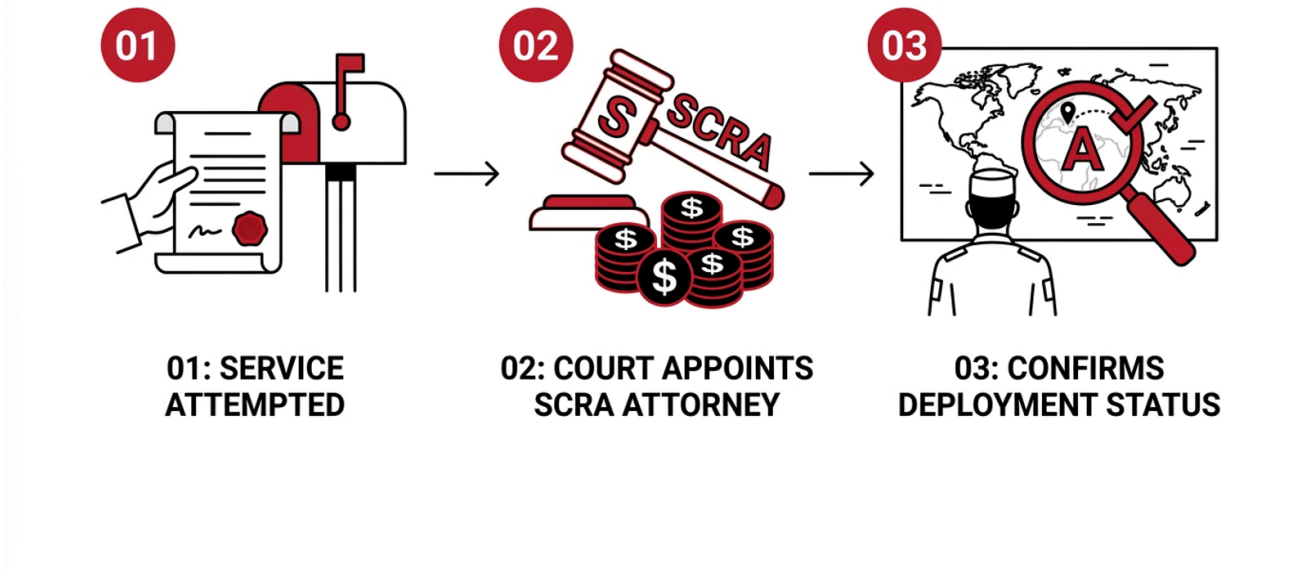
Dividing the retirement, and the Bangs formula

Retirement is where the federal-versus-state point stops being abstract and starts costing you money.

The courts use a formula for things like retirement. It is called the Bangs formula, B-A-N-G-S. To make a long story short, it compares the time you were married while you were earning that retirement against the whole time you have been earning it, and that fraction is how the court figures out who gets what when it comes to that.

Two things commonly come out of the pile before that formula runs against you. If a party has what is called a premarital interest, which means it is something that they acquired before the marriage and have not put marital funds into, that gets separated out. So does an inheritance or a gift you received. Those matters would be separated out of the pile when it came time to figuring out assets and who gets what.

That second half is worth a sentence of its own, because of the condition buried in it. A premarital asset stays premarital only if you have not put marital funds into it. The house you owned before the marriage, that you then refinanced and paid down with joint income for nine years, is not the clean carve-out people assume it is.



How an SCRA appointment works when a party is deployed: service is attempted, the court appoints an attorney at the non-military party's expense, and that attorney confirms deployment status.

The gap Maryland has not closed

Now the part that bothers me, and that I am actively working on.

Maryland's custody standard is in the best interests of the child, and it applies to you the same way whether or not you wear a uniform. Modification of custody in Maryland can only happen when there is a significant change of circumstances or a material change of circumstances. Deployment, by itself, is not automatically treated as one.

I had a case on exactly that. My client was deploying from Fort Meade here to Fort Gordon, Georgia, and it ended up that he got custody. But that was only because he and his wife separated back in 2022 and he has been the primary caretaker. He won on the facts he already had, not because Maryland law gave a deploying parent anything.

What is so interesting to me is that there are currently 17 states in the United States that have legislation specific to the rights of a party who gets deployed.

> ***"Seventeen states have legislation in place that specifically not only does not allow a modification based on a deployment but also gives the wife or husband and family of the person that's deployed the opportunity to spend the same time with the children as the person who's deployed is, but Maryland does not have that legislation."***
>
> — TODD MOHINK, ON THE CUSTODY PROTECTION MARYLAND HAS NOT ADOPTED FOR A DEPLOYING PARENT

There is one state that I am not positive about, but I believe it is Pennsylvania, that also has that legislation pending. Maryland does not have that kind of law. What Maryland does have is narrower. Family Law § 9-108 requires any custody or visitation order entered during a deployment to say so on its face, gives a parent who files within 30 days of coming home an expedited hearing, and requires any order based on a deployment to make the other parent accommodate the deployed parent's leave and make room for phone and email contact with the child. It does not stop a deployment from being used to change custody, and it does not let the deployed parent's family step into that parenting time, so every single case of deployment in Maryland is still a different set of facts.

Let me show you what that gap costs, because I have a case in Howard County Circuit Court right now that puts it in front of you.

My client is the father. He works at the APL lab and is also in the reserves, and over the last year or two he was pulled from the reserves into basically the desert. He served for ten months across Israel, Afghanistan and Egypt. His divorce had been final for several years already. Because of what was happening at the time, and because of his representation at the time, which I do not think was top-tier representation, he had agreed for his ex-wife to move to Missouri and raise their child there. He and that child are very close.

The mom decided that while he was away, she was going to play games with his ability to be a parent. He testified that for the ten months he was in the Middle East, he was allowed to call one time a week, on Sunday. We put in records to show that for those weeks, he called every Sunday, and every single call from him to his ex-wife's phone for their little kid was canceled.

Ten straight months, and he did not speak to his child once. It broke his heart without question.

I have asked that judge, in that county, to give him custody, the same way I asked for the guy in San Antonio. That decision was going on a Zoom record the day after we recorded this, so I was hopeful for it.

Whatever any one judge decides, the point stands. It is hard for me to imagine that any judge, or anybody who cares about children, could ever think that a dad who is in the desert living in a war zone does not get to talk to his kid. Seventeen states wrote that down. Maryland has not.

Common questions

Does military deployment stop a Maryland divorce?

Not automatically, but a deployed party has the right to be protected from being defaulted while they cannot appear. Under the SCRA the court appoints an attorney, paid for by the non-military party, whose job is to find out whether that person could get to court and whether their deployment location would stop them from receiving a divorce at all.

Does federal law or Maryland law control a divorce involving a Fort Meade service member?

Maryland law controls. If you are at Fort Meade or NSA, Maryland law decides it, not federal law, and that covers how retirement is split too. Federal law, through the Uniformed Services Former Spouses' Protection Act, sets the limits on how much military retired pay can be divided. The federal act protects your right to participate in the case. It does not move the divorce, the custody question, or the pension division out of Maryland.

How is a military pension divided in a Maryland divorce?

Through the Bangs formula, which compares the time you were married while earning the pension against the whole time you have been earning it, and that fraction is how the court figures out who gets what. A premarital interest, or an inheritance or gift, usually comes out of the pile first, as long as no marital funds went into it.

Does Maryland protect a deployed parent's custody time the way some other states do?

Not in the same way. Seventeen states have legislation that blocks a deployment from being used as a basis for modification and lets the deployed parent's own family take that parenting time. Maryland does not. Its deployment statute, Family Law § 9-108, is narrower: an order entered during a deployment must say so, a returning parent who files within 30 days gets an expedited hearing, and an order based on a deployment must protect the deployed parent's leave and phone and email contact. Beyond that, every deployment case here is decided on its own facts under the ordinary material-change standard.

Chapter reflection

The federal layer in a military divorce is narrower than most service members expect. It protects your ability to show up, and it caps how much military retired pay can be divided. It does not decide custody or how your property is split, and it does not move your case out of a Maryland courtroom.

What that leaves is an uncomfortable truth if you are the one deploying. The protection you get is the protection you build into your own facts, in a custody arrangement written while you can still be heard, because Maryland's own deployment statute stops well short of what those seventeen states wrote.

Which brings the next chapter into focus. Custody in Maryland is not one decision. It is two, and the one families fight hardest over is usually not the one they came in worried about. If you are a military family still working through the SCRA or the Bangs formula, my team has more detail at Glen Burnie military divorce page or Columbia military divorce page.

06

CHAPTER SIX

Legal Custody, Physical Custody, and the Family Home

Divorce is usually the easy one. By the time you come to see me, you are usually in a place where you have, for the most part, already been separated, and that makes it much easier. The marriage itself is often the part both of you have already accepted.

Custody is different, and it is different in a way that catches people off guard. If you agree upon custody, that is a big deal, because there are two different types of custody in Maryland. Two separate decisions, each governing a different part of your child's life, and you can settle one of them completely and still be a year away from settling the other.

So before you tell anybody you agree on custody, make sure you know which one you are agreeing about.

The standard behind both decisions

Both halves get decided under the same legal test, which is the best interests of the child. That phrase sounds abstract until you see what a court is actually weighing.

It is pretty much common sense stuff. Who spends the most time with the child. Who knows the doctors and who knows the friends. Who helps with the extracurriculars, who puts the kids to bed, who cooks for them. That kind of thing. All of that stuff is important, and there is a bunch of case law defining it, but the list itself is not mysterious.

Look at what is not on that list. Not one of those factors turns on which parent is the mother and which is the father.

I am spelling that out because of an assumption that walks through my door more than almost any other, and it is not true. I have heard men cannot get custody in Maryland. Fathers tell me this before we have discussed a single fact about their own case, and it shapes how they approach the entire process, sometimes to the point of not fighting for something they would have gotten. Maryland's custody standard does not distinguish by gender. Both physical and legal custody are decided on the same best-interests factors, no matter which parent is asking.

> *"If they agree upon custody, that's a big deal because there's two different types of custody in Maryland. There's physical custody, which is where the child or children actually reside and what time, how many days a week, that kind of thing. But then there's what I believe is equally important, which is what's called legal custody, and legal custody is decision-making about what they call the kid's health, education, or welfare."*
>
> — TODD MOHINK, ON THE DIFFERENCE BETWEEN PHYSICAL AND LEGAL CUSTODY IN MARYLAND

Physical custody decides where your child sleeps

Physical custody is the intuitive half. It is where your child or children actually reside, and what time, how many days a week, that kind of thing.

This is what almost everyone means when they say the word custody at all. It is your calendar. Who has them Tuesday, who has them on the long weekend, where the backpack lives.

Hold on to one thing about this half as you keep reading, because it comes back in a big way later in this book. Physical custody is counted in overnights, and overnights are what drive your child support number. When you negotiate the schedule, you are also negotiating the money, whether or not anyone in the room says so out loud.

Legal custody decides who gets to decide

Legal custody is the half that causes the sharpest fights, and it causes them precisely because it is invisible day to day. You will not see it on your calendar.

Legal custody is decision-making about what they call the kid's health, education, or welfare. In my experience the fights land on a specific handful of issues. Most of the time it deals with adult issues such as religion and medical care, *"those type of things where the parties really do care about those couple things. Those seem to be the things where the largest standoffs occur."*

The trap in it is easy to miss. If your child is with you five nights a week, you will reasonably assume the decisions come with the nights. They do not. Physical custody and legal custody are separate awards. You can have the child most of the time and still need the other parent's agreement on a school, a surgery, or a religious upbringing, and you can hold joint legal custody while the child sleeps somewhere else most nights.

That is why I call legal custody equally important. A schedule you dislike is a hard year. A decision-making deadlock over medical care is a hard decade.

Use and possession of the family home

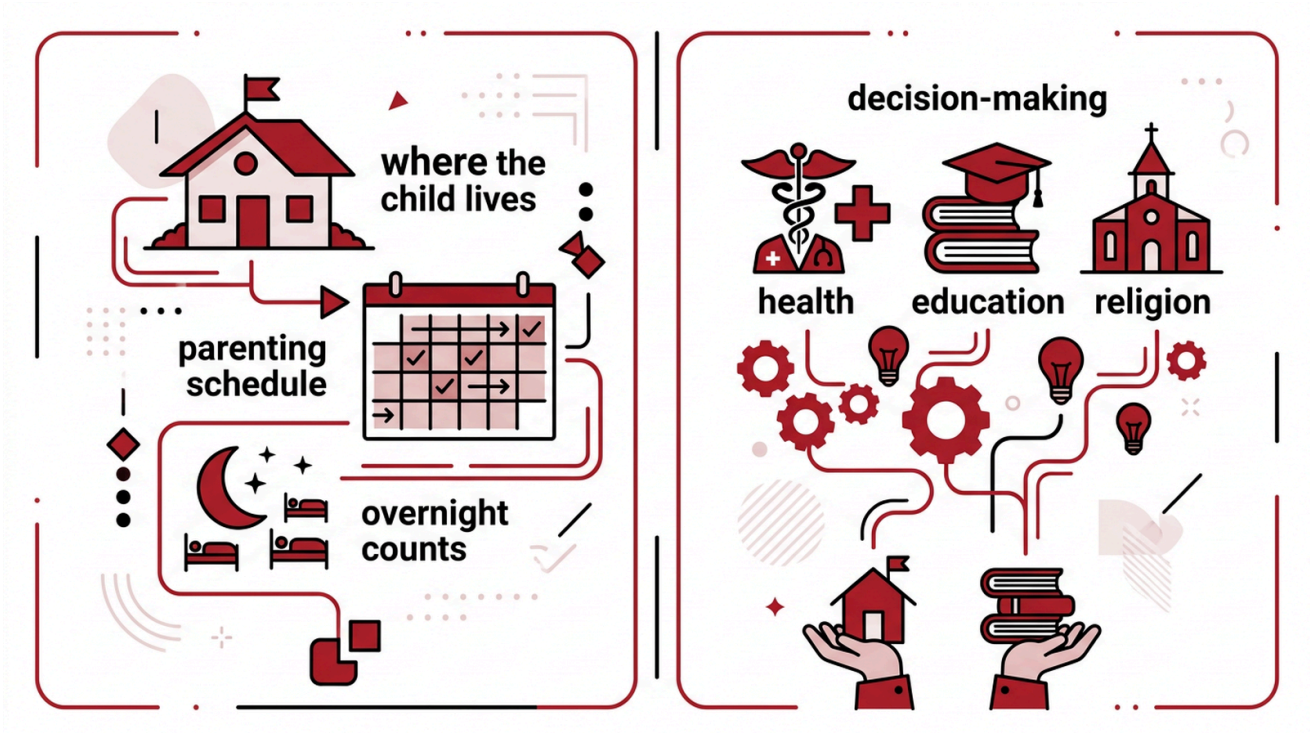
Custody carries a direct consequence for the house, and it has its own part of the statute.

Under Md. Code, Family Law § 8-206, a court may award a parent with custody of a minor child the exclusive use and possession of the family home. That holds no matter how the property itself is finally divided. The purpose is what the statute itself states: letting a child continue living in an environment and community familiar to them, rather than uprooting a household in the middle of an already disruptive process.

The name for it is use and possession, and use and possession is complicated, but it is part of Maryland's family law statute and family law article. What it says is that a parent who is awarded custody has the ability to remain in the home for up to three years from the date of the divorce.

The specific limit lives in Family Law § 8-210. It caps a use-and-possession order at three years from the date the court grants the annulment or divorce. It cuts the order off sooner if the parent holding possession remarries inside that window. A court weighs the child's best interests, each party's own need for the home, and any hardship the arrangement creates for the party excluded from it before granting or shaping such an order.

And it does not have to be all or nothing. That authority isn't limited to handing the home to one parent outright, either. Under Family Law § 8-208, a court can instead divide possession and use of the family home between both parties, rather than award it exclusively to one. That is the basis for the arrangements where the parents rotate through the same house on a schedule instead of either one moving out.



Physical custody, which sets where the child lives and the overnight schedule, against legal custody, which sets decision-making on health, education, and religion.

Plan for the end of the three years now, not in three years

Because a contested divorce can run a year or more, it is tempting to file the three-year clock under problems for later. Something that only starts counting once all of this is finally behind you. I do not think that is the right way to handle it.

As I put it on the show, *"as we've already discussed, the divorce could take a really long time. So pretty much the unspoken rule is it's three years of separation regardless of when that was."* The clock does not politely wait for your case to end.

What I do not want you doing is "waiting until the case gets to the place where everyone's sort of done and then saying, 'Okay, let's do this all over again,'" because that is a second fight you are scheduling for yourself. Build the answer into the settlement itself. Say what happens when the order expires, who buys whom out, or when the house goes on the market, and write it down while both of you are already at the table with lawyers in the room.

Doing that work now "gives you an opportunity to look it in the face right now," instead of being surprised by it three years after the decree is signed, when you are out of practice at negotiating with this person and the goodwill is gone.

Common questions

What is the difference between physical and legal custody in Maryland?

Physical custody is where the child or children actually reside, and what time, how many days a week. Legal custody is decision-making about the kid's health, education or welfare. Maryland treats them as two separate questions. Either one can be awarded jointly, solely or in a split arrangement, which is how two parents agree on custody and still spend a year fighting about it.

Can one parent stay in the family home after a Maryland divorce?

Often, yes. A parent who is awarded custody has the ability to remain in the home for up to three years from the date of the divorce, under a use and possession order. The court looks at your child's best interests, each party's need for the home, and the hardship on the party who is shut out of it.

Which type of custody is harder to agree on, physical or legal?

In my experience, legal custody produces the bigger standoffs. The fights land on adult issues like religion and medical care, the couple of things where both parties genuinely do care, rather than on a calendar. A schedule can be traded away. A deadlock over your child's medical care usually cannot be.

Is it true that fathers cannot get custody in Maryland?

No, and I hear it constantly. Fathers tell me they have heard men cannot get custody here before we have discussed one fact of their case. Maryland decides both physical and legal custody on the same best-interests factors no matter which parent is asking, and none of those factors is about gender.

Does having my child most nights mean I make the decisions?

No. Those are the two different types of custody, and they are awarded separately. You can have physical custody most of the week and still need the other parent's agreement on health, education or religious questions, because that authority sits in legal custody and has to be awarded on its own.

Chapter reflection

The two-custody structure is the single most useful thing in this chapter, because it explains a conversation that otherwise makes no sense. Two parents say they agree on custody, and six months later they are still in court. They were agreeing about different halves.

Sort out which half you actually agree on, and you will know very quickly whether your case belongs on the two-to-four-month track or the other one.

What happens next is where most contested cases genuinely end, and it is not a courtroom. It is a mediation session and a stack of financial documents. Both of my offices keep a fuller walk-through of the custody piece than one chapter can hold, at Glen Burnie child custody page and Columbia child custody page.

07

CHAPTER SEVEN

Mediation, Discovery, and the Marital Settlement Agreement

Most people picture a contested divorce as a courtroom. Two lawyers, a judge, somebody on the stand telling the truth at last.

That is not where these cases end. Even after a complaint is filed and your case is formally contested, I still think about ninety-eight percent of them settle before their actual court date. So if you are headed down the contested track, the thing worth understanding is not what a trial looks like. It is what the two processes are that get ninety-eight cases out of a hundred to an agreement without one.

Those two processes are mediation and discovery. One of them is a conversation. The other is paperwork. Between them they do most of the work a trial would otherwise have to do, and how you handle them decides how long this takes and what it costs you.

Mediation is not optional in practice

In Anne Arundel County Circuit Court, treat mediation as something you are going to do, not something you might.

Here is the actual policy: “the policy of the court is that for every case where domestic violence is not an issue, and even in those cases now because the majority of mediation is done by Zoom, so unless the court finds a really good reason, the mediation is going to be required by either the court-ordered mediator or a mediator that the parties agree upon.”

Read the shape of that. The policy carves out domestic violence, and then the Zoom point immediately narrows even the carve-out, because a session of neither party has to be in a room to remove the safety objection. What is left is a court that expects you to try, unless you have a good reason.

The practical numbers: that costs usually $200 per visit for each party, and it requires two mediation sessions. Budget for that, because it is not optional and it is not free.

> *“I think that mediation is excellent. I think that mediation very much depends on matching the parties and what they’re going through with the mediator that you think has the right personality to get those matters addressed.”*
>
> — TODD MOHINK, ON HOW MEDIATION WORKS IN ANNE ARUNDEL COUNTY

I want you to notice what I did and did not say there. I think mediation is excellent. I did not say it works every time, and the reason is in the second half of that sentence. It depends on matching the parties and what they are going through with the mediator you think has the right personality to get those matters addressed.

That is a real variable, and you have some control over it. Where you and the other party can agree on a mediator instead of taking the court’s, your choice there matters more than how people treat it. Two people fighting about a child’s medical care and two people fighting about a pension need different mediators, and a session with the wrong one costs you $400 and an afternoon spent confirming you disagree.

Discovery answers what mediation cannot

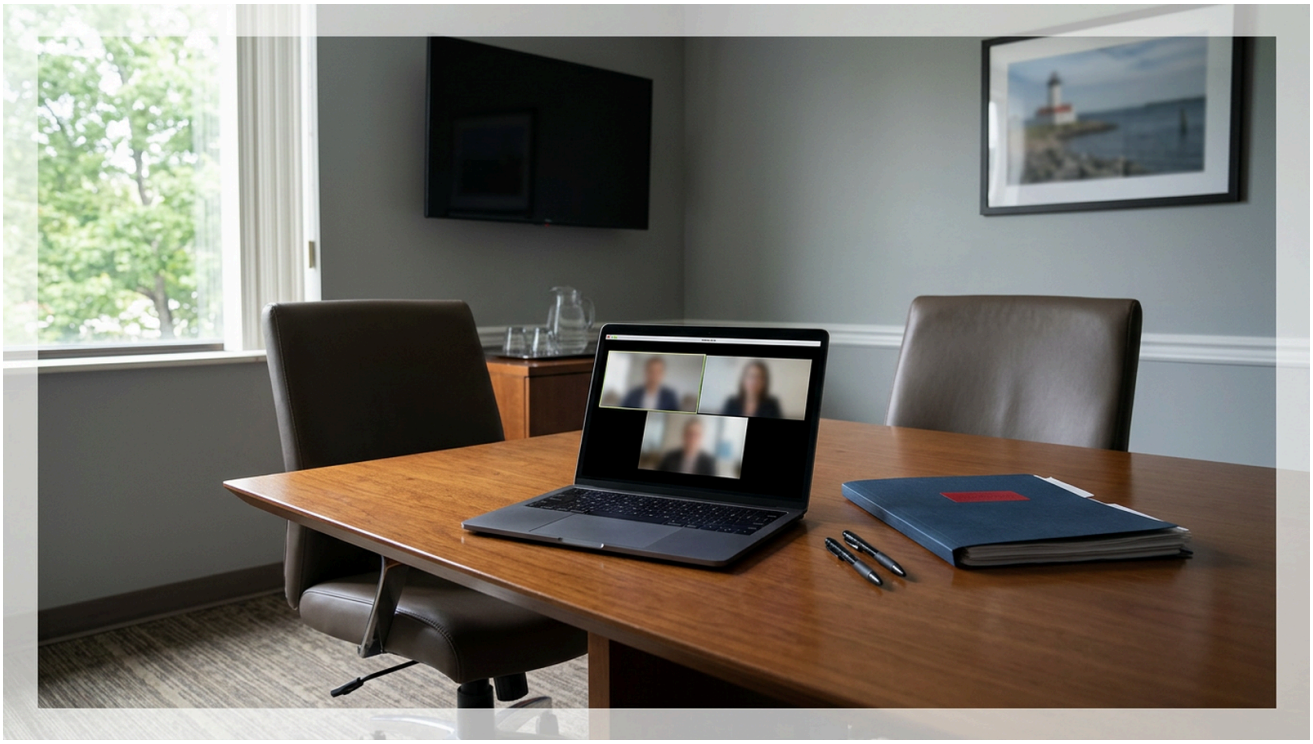
Mediation works when your disagreement is about what to do. When the disagreement is about what is true, meaning what somebody earns or what an account actually holds, no mediator can fix that for you. That is what discovery is for.

The requirement behind it is broad. In most cases, whether they are civil or criminal, there is a requirement for the other side to turn over all of the documents that you ask for that they have in their possession. Two tools do most of that work in a family case.

Interrogatories are a set of up to 30 questions that are required to be answered under oath. They are the same thing essentially as someone testifying, just in writing. That is worth sitting with, because people treat written questions as less serious than a witness stand. They are not. They are testimony with a longer deadline.

Then there are requests for production of documents. That is unlimited, as long as the documents are what they call discoverable, which means that discovery of those documents has some likelihood to be part of relevant evidence. No numerical cap at all. The only limit is relevance.

For a Columbia household with two incomes, a house, retirement accounts and sometimes a business stake, discovery is usually what turns a standoff into a case that can actually be settled, because until the numbers are on the table nobody is negotiating. They are guessing.



A conference room set for a remote hearing, a laptop open to a video call with the case file on the table.

The settlement conference, where a judge checks your homework

Discovery does not just inform the two of you. It feeds straight into the mechanism Maryland courts use to push a case toward resolution before a trial starts.

Shortly before the trial date, there is usually what is called a pretrial or a settlement conference. And the very first thing that happens there tells you how the court thinks about all of this. “The first thing the judge, who’s the settlement judge, asks is, ‘Do you have complete discovery?’”

That is not small talk. The judges want to know that everything the other side has to put together is available to you, and if the discovery is not complete, the pretrial settlement conference will be reset, because the court does not feel that the attorneys are ready to negotiate a settlement unless they have all the information.

So think about what an incomplete discovery file actually costs you. Not a scolding. A reset date, on the docket we discussed in Chapter 1, which is booked months and months out. Slow-walking discovery does not delay the other side. It delays your own case, and it delays it by considerably more than the time you saved.

The agreement, the date it starts, and what enforces it

Once mediation and discovery narrow things down, the marital settlement agreement is the document that ends your case.

Be careful here, because a partial agreement is not most of one. The big thing with an MSA is that it is required to be an A to Z type agreement. An agreement on some issues may have relevance, but it is not going to take the place of the whole agreement until there is a signed and preferably notarized agreement in place. After that agreement is in place, the matter becomes truly uncontested, and the short timeline from the first chapter opens back up even to a case that started out as a fight.

Now, when does it actually take effect? An agreement is effective from the time it is put on the record, because all of the courtrooms and all of the circuit courts in all the counties in Maryland are recorded. Counsel usually has to provide the written order within about two weeks, and the judge will tell you “this order begins today” even before that paper is signed.

But the signature does one specific thing that the record alone does not. The signature of the order is what makes it have the power of potential contempt. That is the enforcement, and contempt means that if there is a violation of the order, you have a way to do something about it.

And here I have to tell you something you may not want to hear. Contempt does not reach as far as it used to. In terms of effectiveness, it is most closely related to either an alimony issue or a child support issue or a counsel fee issue. It used to be available for things like violation of visitation and violation of visitation time. Under “the current sort of legal state in Maryland, I don’t think that’s worth it at all anymore,” after some recent cases.

So if your real worry is that the other parent will not follow the parenting schedule, do not build your plan around contempt. That is not the tool it was, and knowing that now is better than finding out eighteen months from now with a motion already filed.

Common questions

Is mediation required in an Anne Arundel County divorce?

In practice, yes. The court's policy is that mediation is required for every case where domestic violence is not an issue, and even in those cases now, because most mediation happens over Zoom, unless the court finds a good reason otherwise. It is either a court-ordered mediator or one you and the other party agree on.

What does mediation cost in a Maryland divorce?

It usually runs $200 per visit for each party, and the court requires two sessions. So budget around $400 per person for the process. It is worth spending real thought on who mediates, because the fit between the mediator's personality and what the two of you are going through is what decides whether those sessions accomplish anything.

What is discovery in a Maryland divorce case?

The formal process of getting the information the case turns on. Interrogatories are up to 30 questions answered under oath, which is essentially testimony in writing. Requests for production of documents are unlimited, as long as the material is discoverable, meaning it has some likelihood of being relevant evidence. It matters most where incomes or assets are genuinely disputed.

What has to be in a marital settlement agreement for a case to become uncontested?

Everything. An MSA is required to be an A to Z type agreement, covering the divorce itself, custody, property and counsel fees. A partial agreement may have relevance, but it does not take the place of the whole agreement until there is a signed and preferably notarized document in place. Only then does the case become truly uncontested.

Can a parent be held in contempt for violating a Maryland custody or visitation order?

Contempt is most reliably available now for alimony, child support or counsel fee violations. It used to reach violations of visitation time, but after some recent cases I do not think that is worth it at all anymore. If you are dealing with a parenting-time problem, expect to pursue a modification rather than a contempt finding.

Chapter reflection

Ninety-eight out of a hundred contested cases end in a document, not a verdict. What decides how fast you get to that document is unglamorous: showing up to mediation with a mediator who fits, and getting your discovery done before a judge has to ask whether it is.

That also closes out the divorce half of this book. But for a great many Anne Arundel and Howard County families, finishing the divorce does not finish the conversation. It just moves it to a number.

That number runs on its own statutory formula, one that leaves a judge far less room than people assume, and working out where it comes from is where the second half of this book begins.

08

CHAPTER EIGHT

The Maryland Child Support Formula, from Guidelines to Final Number

The first thing to understand about child support in Maryland is that a judge is not picking your number out of the air.

The guidelines are established by the legislature. They are a list, and that list lives in what is called the Family Law Article, which is the set of statutes in Maryland that control family law. So when someone tells you their support number felt arbitrary, what they usually mean is that nobody explained where it came from. It came from a chart, and the chart came from Annapolis.

The short answer is that it is the legislature's list of how much parties are to pay for child support if they are going through a divorce or a custody case. This chapter is about how that list works, where it stops, and what happens past the end of it.

> ***"The guidelines are established by the legislature... they're a list that are included in what's called the Family Law Article of Maryland. The Family Law Article is a statute, which is a rule that explains, based on parties' joint income, so both of the parents' incomes, what child support is."***
>
> — TODD MOHINK, ON WHERE MARYLAND'S CHILD SUPPORT NUMBERS COME FROM

How the chart works, and where it stops

Two things go into the chart. Your combined income, and how many children you have.

Under Md. Code, Family Law § 12-204, Maryland's Child Support Guidelines set a schedule of basic support duties. The schedule runs on both parents' combined gross income and the number of children. It goes up to a combined income of $30,000 per month. The schedule itself is a grid, not a single line. It runs a separate column for one child all the way through six or more. So the same combined income produces a different basic obligation depending on how many children that income has to support.

Now, one detail here trips people up when they compare notes with a friend, so let me be plain about which number that chart runs on. The child support goes up to about thirty thousand per couple. That is the figure the two of you make together, because everyone's combined income is what it is based on.

Then there is the word that matters more than any of this, and it is gross. As I put it on the show: *"the party's gross income, and that's really important. It's gross income for child support. For things like alimony, it's net income."*

Do not gloss over that, because it is the single most common miscalculation I see someone walk in holding. Gross income means the income a party receives before taxes. If you worked from your pay stub, using the number that actually hit your account, your figure is wrong, and it is wrong in a direction that will surprise you.

Each party shows what their income is, and then the Maryland guidelines will say, based on this joint income, this is the amount that the party who is not the primary custodian has to pay for the children. Whatever you make is calculated from the lowest to the highest. It is just after that $30,000 there can be an extrapolation.

The statute's own term for that number is adjusted actual income, not raw gross income. Certain adjustments apply before either parent's figure goes through the schedule. The most common are alimony a party already pays, or other children they already support.

A chart that sat still for twenty-five years

Here is something worth knowing before you compare your number against anything you remember.

There was a change several years ago. Before that, there had not been a change in the guidelines for something like twenty or twenty-five years.

Sit with that. The schedule I run in court today is a meaningfully updated version of one that did not move for two and a half decades. So an old printout, a stale page you found online, or a friend's memory of what they paid can be quietly wrong, and nothing about either parent's income has to have changed for it to be wrong.

If your reference point for what child support costs in Maryland is somebody else's case from a while back, throw it out and start from the current chart.

Above the ceiling, where a judge finally gets a say

Everything so far has been arithmetic. Past $30,000 a month in combined income, it stops being arithmetic.

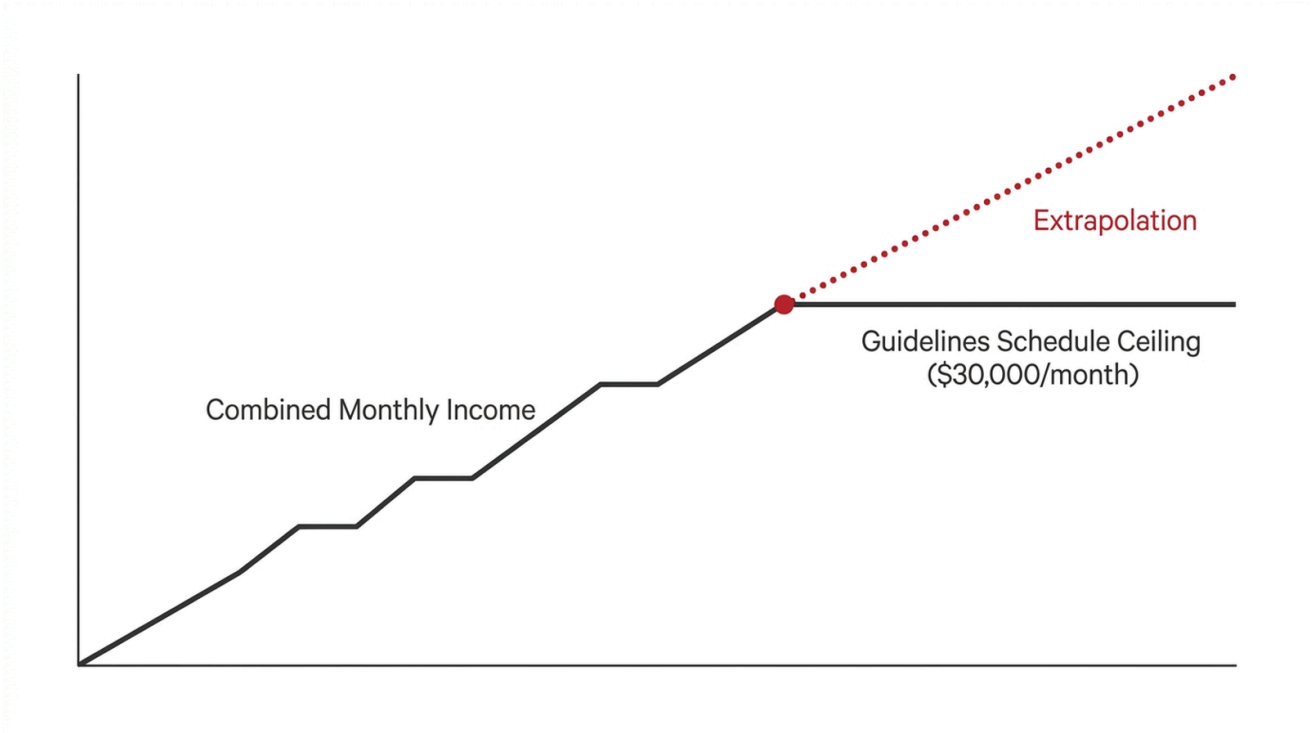
The only time that a judge's opinion is important in child support is if they are over the max. If the parties' joint income is over $30,000, then there is the opportunity for the court to issue a higher number, and that is called an extrapolation. An extrapolation means that for people who have over $30,000 a month in income, the court can award more than the guidelines.

This is not rare in either of my markets, and it is common enough in one of them to matter. Howard County happens to have a very significant amount of significant aggressive earners, so that amount changes.

What is the court actually deciding up there? Not an abstract question about what a child theoretically needs. If it goes to trial, the court looks at the evidence about what the expenses are for the kid to live his life the way he has been living it, to the best of their ability, and they have the right to extrapolate, or add as much child support as they believe is appropriate based on the child remaining where he is and also in his best interests.

The standard is continuity. What has this child's life cost so far, and what does it take to keep it roughly the same.

There is also a tool in the room. There is a program called SassyCalc that all the lawyers and the judges own, and it does an automatic extrapolation for you. Useful to know, and worth not overreading. SassyCalc automates a computation. It does not decide what your child's life costs, and that is the part that gets argued.



Maryland's child support guidelines schedule runs to a combined monthly income of $30,000. Above that ceiling, the court extrapolates based on the child's actual needs.

Why the free calculator gives you the wrong number

A lot of parents have already run the free calculator before they ever call me, and I understand exactly why you would. It is free and it is right there.

Lots of attorneys have connections on their websites to potential guidelines, but the only guideline that is publicly available is the one from what is called the Department of Human Services, which is the department part of the Office of Child Support Enforcement. It does give you rough numbers. But I am not confident, first of all, in their technology, and second of all, it does not necessarily explain to the parties exactly what things have to be at.

That second half is the real problem. There are things like daycare and health insurance and medical issues that all need to be included, and a calculator that does not tell you which of your numbers goes where will happily produce a confident total from the wrong inputs. I guess if the person who was doing it was very knowledgeable, it could be done. But I do not think the majority of people doing it on their own would have the ability to understand how to calculate the guidelines.

And I will tell you what this looks like from my side of it. I have been doing it for 30 years, and I did it in court this morning, and it is a little bit of a process.

If it is still a process for someone who has run this calculation for three decades and ran one before lunch today, do not expect a free tool and twenty minutes the night before a hearing to hold up when the other side's lawyer looks at it.

Common questions

How does Maryland calculate child support?

From a schedule the legislature set, based on both parents' combined gross income and the number of children, running up to a combined income of $30,000 per month. Each parent shows their income, the chart produces the basic obligation, and the parent who is not the primary custodian pays their share. Above that ceiling the court can extrapolate.

Should I trust an online Maryland child support calculator?

Treat it as a rough number only. The publicly available one comes from the Department of Human Services, part of the Office of Child Support Enforcement, and I am not confident in their technology, and it does not explain to you exactly what things have to be at. Daycare, health insurance and medical issues all have to be in there correctly.

Is child support based on gross or net income in Maryland?

Gross income, before taxes, and getting that right matters more than almost anything else you do here. Child support runs on gross. Alimony is the one that uses net income. If you built your estimate from your take-home pay, your number is wrong, and correcting it usually moves your figure by more than you expect.

What happens if our combined income is over $30,000 a month?

You are past the end of the chart, and that is the one place a judge's opinion actually matters. The court can extrapolate and award more than the guidelines, based on evidence of what the expenses are for the child to live his life the way he has been living it. Lawyers and judges run those numbers through a program called SassyCalc.

Chapter reflection

A chart, a ceiling, and one place where a judge gets to weigh in. That is the architecture, and knowing it is the difference between accepting a number and understanding one.

But a chart is only as good as what you put into it, and that is where this gets genuinely difficult. The input is each parent's income, and income is rarely one clean line on one pay stub, especially around here.

If you are military, part of your pay is an allowance and it moves when you move. If you own a business, the number your tax return reports and the number Maryland counts are not the same number. That is the next chapter. My child support pages for Glen Burnie and Columbia go further into that starting point.

09

CHAPTER NINE

What Counts as Income Under Maryland's Guidelines

The chart in the last chapter is the easy half. The hard half is the number you put into it.

Start from the right default, because people generally start from the wrong one. Pretty much everything that is income counts toward income. There is very little that does not count, and most things do count. If your instinct is to ask whether some particular payment is excluded, the honest answer is usually no.

Two categories are where this actually gets difficult, and around here they cover a great many of the families I see. Military pay, because part of it is an allowance that moves when you move. And self-employment income, because the number your tax return shows and the number Maryland counts are not the same number.

The long list of things that count

For someone working for a company or a business, the reach is broad. Overtime counts. Any type of incentive plan counts, and when I say incentive plan, I mean any kind of plan for a commission or a bonus. All of that is included.

It goes past your paycheck too. It also includes things like disability pay and SSDI, which is Social Security insurance for people who are deemed by the government to be disabled. So if you were assuming a disability payment sits outside this because it is not employment, it does not.

There is one category I am deliberately not going to reduce to a rule here, and I want to be straight with you about why. Stock is a little different. I did not get into it on the show and I am not going to pretend a paragraph settles it. If a meaningful part of what you are paid comes in equity, raise it directly with your own lawyer rather than assuming it gets treated the same way a cash bonus does.

Everything else, assume it counts until somebody with your actual documents in front of them tells you otherwise.

Military pay, and the allowance that moves when you do

For the Fort Meade and NSA families in my practice, this is where the number moves fast.

> *"What's really important in this area, because Fort Meade and NSA and all these military installments are around here, is BAH, which is locality pay for the military, is very high here. So for example, the guy I had this morning lived in Anne Arundel County, and his BAH pay was like $3,300. That's what the military assigns as a number, and that number counts as income as well."*
>
> — TODD MOHINK, ON WHY MILITARY HOUSING ALLOWANCE MATTERS SO MUCH FOR ANNE ARUNDEL COUNTY SUPPORT CASES

Thirty-three hundred a month. That is a big number if you moved here to be in the military, and it goes into the guidelines the same as salary does. BAS counts too. All of those payments count toward your number in child support, and people who are not in the military do not have those numbers at all.

Now here is the part that surprises service members, and it works in both directions. BAH is locality pay, so it moves with your duty station.

I had a client whose case was exactly this. He was moving from here to Fort Gordon, Georgia, and because he is moving to rural Georgia, his BAH is probably going to drop by half. Same person, same rank, same job. Half the housing allowance, because Georgia is not Anne Arundel County.

So a TDY or a PCS, which are the two ways that you transfer locations in the military, can affect your child support amount. If you are about to move, that is not a detail to raise after the order is signed. It is a reason to be in front of a lawyer before it happens.

One more thing while we are here, because it comes up in the same conversation every time. The military is also affected by things like pensions and TSPs, and the reason is that divorce is a state thing, not a federal thing. The rules of Maryland are what matter, not the federal rules.

Self-employment, where the tax return is the starting point and not the answer

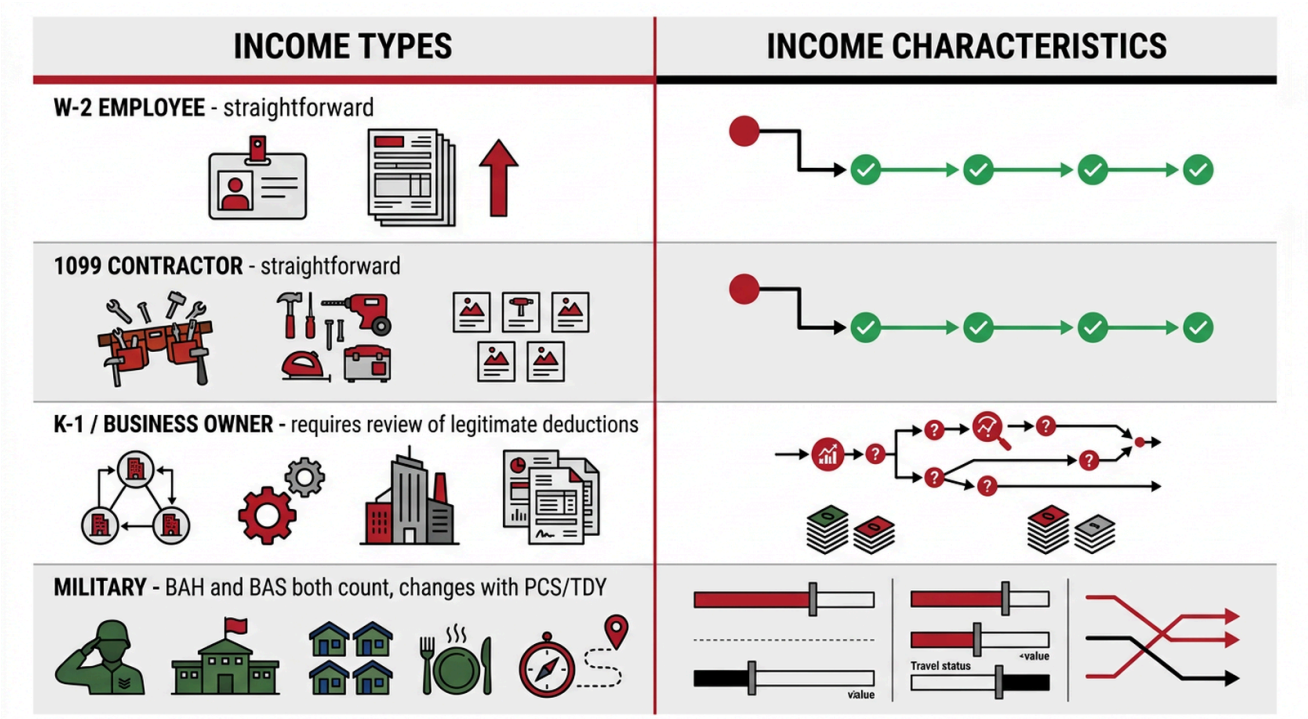
If you own your business, you do not have a simple salary to point at, and this is the category where the number can move the most depending on how carefully somebody looks.

If you are a self-owned business, the legitimate income, meaning the net income of the business, most of the time includes some kind of salary if it is a corporation. That salary counts. But if your lawyer is good, your lawyer is going to go through the tax return and look at everything there is to look at.

Why? Because a lot of the discounts that are available to the federal government are not available in child support law. Those are two different systems with two different purposes, and a deduction the IRS blesses is not automatically a deduction Maryland accepts.

The example I always reach for is this one: *"if you have a vehicle that's a delivery vehicle and you're using that to go on vacations with, the part of the time that you're on vacation does not count for child support, and that gets really complicated. But the short version is, for self-employed people, it's their legitimate deductions that remove money from their income, not taxable income."*

That distinction is written into the statute itself. Under Md. Code, Family Law § 12-201, the "ordinary and necessary expenses" a business can subtract from its gross receipts for child support purposes specifically exclude accelerated depreciation, investment tax credits, and any other business expense a court finds inappropriate for calculating actual income, even where the IRS allows the identical deduction on a federal tax return.



How different income types are documented for support: W-2 and 1099 income is straightforward, business ownership requires review of deductions, and military pay includes BAH and BAS.

The paperwork that proves it, and when you cannot do this alone

Everything above has to be proven with documents, and that is what discovery does here. Discovery is the process by which the attorney attempts to get all of the information that he or she believes is relevant to the issue of child support.

How hard that is depends entirely on how you are paid. If you have a W-2 or a 1099 employee, that is relatively simple, and a W-2 employee is the simplest case there is. One form, one number, done.

Businesses are a different animal. When you get into a business that is what is called a flow-through business, which means the business does not pay taxes or get refunds, it is based on the owner's or the various owners' income, and they pay or get a refund. That makes things complicated. In addition to a W-2, those types of earners also get what is called a K-1, depending on the type of corporation. A K-1 is how the federal government figures out what income expenses can be reduced from the income of the business, in a way that reflects directly on the owner or the various owners.

So W-2s and 1099s make things easy. Business owners and corporations are a lot more difficult to deal with.

And this is the one place in this whole book where I will use the word requirement about hiring somebody. Any time there is an issue of expenses being deducted for tax return purposes and the person owns their business, it is an absolute requirement for the person who is seeking child support to get themselves a lawyer, myself included, or to get themselves a lawyer who understands how this stuff works. There are lots of different kinds of businesses, and some of them are extremely tricky, and it would not be my recommendation for someone to do that without the help of a lawyer.

If you are on the other side of a business owner in a support case and you are handling it yourself, understand what that means. The number you are being handed came off a document nobody neutral has examined.

Common questions

Does military housing allowance count as income for Maryland child support?

Yes. BAH is locality pay, and in this area it is very high, so it is a big number in the guidelines. BAS counts as well, and all of those payments count toward your number in child support. Because BAH tracks your duty station, a TDY or a PCS transfer can change your support amount meaningfully in either direction.

How is self-employment income calculated for Maryland child support?

Through the legitimate income of the business, meaning its net income, often on a K-1 alongside any W-2 salary. A lot of the discounts available to the federal government are not available in child support law. For self-employed people, it is their legitimate deductions that remove money from their income, not taxable income.

Do bonuses and commissions count toward Maryland child support?

Yes. Overtime counts, and any type of incentive plan counts, meaning any kind of plan for a commission or a bonus. Disability pay and SSDI count too. There is very little that does not count and most things do count, so your working assumption for any payment should be that it is in until someone tells you otherwise.

What about stock or equity compensation?

Stock is a little different, and I am not going to give you a rule for it here, because it is not something that reduces to one. If a meaningful part of your pay arrives as equity, take it to your own lawyer with the documents rather than assuming it is treated the way a cash bonus is.

Do I need a lawyer if the other parent owns a business?

In my view, yes. Anytime expenses are being deducted for tax return purposes and the person owns their business, it is an absolute requirement for the person seeking child support to get a lawyer who understands how this works. Some of these businesses are extremely tricky, and I would not recommend anyone taking that on alone.

Chapter reflection

Almost everything counts, and the two exceptions to that simplicity are the two situations most common around here. An allowance that changes with a duty station, and a tax return that was written for a different purpose than the one a family court is using it for.

Both of them reward looking carefully and punish assuming. A parent who accepts the other side's income figure because it came off an official-looking form is accepting a number nobody checked.

And income is still only half of the formula. The other half is time, counted in overnights, and it moves the final figure just as hard as a change in income does. That is next.

CHAPTER TEN

10

Overnights, Custody Time, and the Support Number

Income is half the formula. This is the other half, and it is simpler to state and stranger in how it behaves.

The way it works pursuant to Maryland law is that child support is based exclusively on overnights. Not on hours. Not on who does the school run or who sits through the orthodontist appointments. Overnights, counted out of a year.

Out of 365 of them, there is one number that changes everything, and where your schedule sits relative to that number matters more than almost any other fact in your case. It catches my clients by surprise on a regular basis, usually at the worst possible moment, which is after the schedule is already agreed.

> ***"In Maryland, the big issue is this: out of 365 overnights, from zero to 92 overnights, nothing changes because that's what's considered sole custody for child support guidelines only. However, from 92 to 365, the more overnights a party has, the less they pay."***
>
> — TODD MOHINK, ON HOW MARYLAND COUNTS OVERNIGHTS TOWARD CHILD SUPPORT

Zero to ninety-two, where nothing you do moves the number

Start with the flat stretch, because it is the counterintuitive one.

From zero to 92 overnights, your number does not change. So if you had two overnights or 92 overnights, it would be the same. That whole range is what is considered sole custody for child support guidelines only.

Read that last part carefully, because the phrase does real work. Sole custody for child support guidelines only. It is a calculation category, not a statement about your relationship with your child and not what a custody order says about you as a parent.

Still, look at what it means in practice. A parent with two overnights a year and a parent with ninety-two, which is roughly every weekend, pay exactly the same amount. All that additional time, and the number does not move at all.

Ninety-two to 365, where every night counts

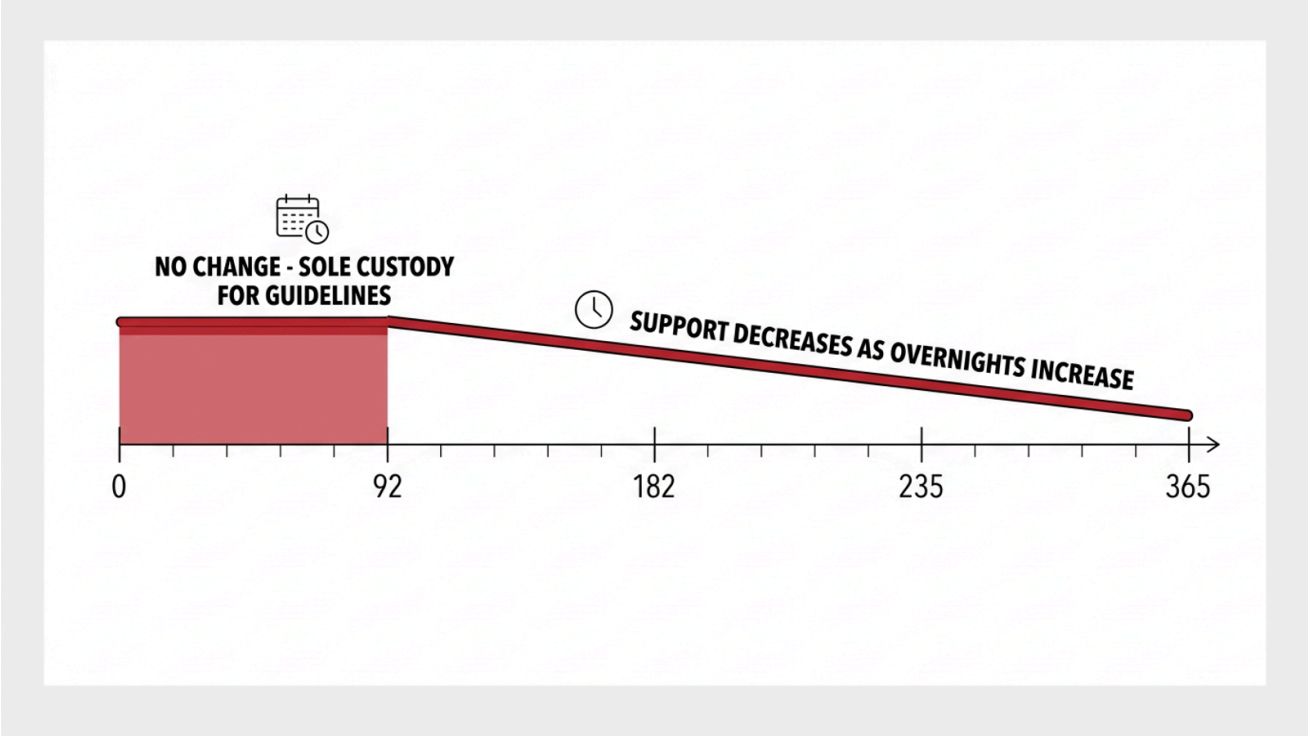
Cross ninety-two and the behavior flips completely. From 92 overnights to 365 overnights, that number changes dramatically based on the amount of time.

And the direction is consistent. The more overnights a party has, the less they pay. As I put it on the show, *"depending on the income, obviously, someone who had 92 overnights is gonna pay significantly more than someone who has 250 overnights, because from 92 to 250 every time it'll be a reduction."*

This is the fact I most want a parent negotiating a schedule to be holding. Your custody negotiation and your support negotiation are the same negotiation. They happen in the same room, on the same day, usually without anyone saying so out loud. Every overnight you trade away above ninety-two is money, and every overnight you take on is money as well.

I am not telling you to negotiate a schedule for the money. I am telling you not to negotiate one without knowing the money is moving, because a parent who gives up a weeknight to avoid an argument in mediation has made a financial decision and may not realize it for another year.

One narrow exception exists, and I will give it to you because it is real, but do not plan around it. For most people in normal nine-to-five jobs, it is pretty standard for overnights to count. But if a parent worked a night shift and was not able to sleep at the same time as the children but was still there with the children all the time, that would still count. Unless your situation is genuinely unusual in that way, the count is the count.



Overnights and support: below 92 overnights a year the guidelines treat custody as sole, and above that, support decreases as overnights rise.

The add-ons, and why you have to prove them

Health insurance, daycare and exceptional medical expenses all go on top of the base guidelines number. None of them is automatic, and each one has to be proven.

Health insurance first, and I am going to tell you plainly what it is worth. You need to get what is called a rate sheet, which shows the different types of insurance the business offers and what each one costs. The court lets you take the expense for whether it is a family or one child, whatever the listing is for your party, and subtract from it the number it would be for just the parent. Whatever is left goes in as a reduction in income for health insurance.

Now the part nobody advertises. *"It is not a big change, and unless the health insurance number is huge, it is not that helpful."* It does give the person who is providing the insurance a little bit of a benefit. If you were counting on the health insurance credit to move your number meaningfully, adjust that expectation now.

Medical is the next one. If there are what they call exceptional medical circumstances, for example kids that have more permanent health issues requiring care, whether it is medical care or psychological care, those would be included in the guidelines.

And the last thing, which is probably the most normal and used thing, is daycare. That one is a big deal, and it is where the real dollars usually are.

Daycare, the summer problem, and what a real case looks like

Daycare has a trap in it that catches people who do the math in good faith and still get it wrong.

Most of the time, the daycare during the school part of the year is not as significant, because the kids are not there full time. But then in the summertime it jumps. A lot of times it doubles, or even sometimes triples.

The method is the one I use in every one of these: *"what you need to do, or really what a lawyer should do, is average out the total of the nine months of school time and what that costs for daycare and the three months of summer and what that costs."* That gets all put together, you come up with a monthly average, and the monthly average for daycare is included in the support guidelines. Submit your September number instead and you are understating your own cost by a lot.

Here is one from my own docket so you can see the size of it. There were four kids in that case, but two were older and did not need daycare, so two did. As I described it: *"so that number was, let's say, $1,500 a month for two kids, which is actually really inexpensive."*

Then the split. Whatever the ratio of income for the two parties is, is how the money is split. So if it is a 50/50 arrangement and the parties are each making the same amount of money, then when the $1,500 went into the guidelines, $750 would go on each side. That amount is based again on the ratio of income, so it moves if the incomes are not even.

Notice that $1,500 did not quietly disappear into the base support figure. It got split, on the record, according to what each parent earns. Whichever parent pays for the insurance or the daycare directly gets the credit in the guidelines, and the other parent pays their share based on their percentage of income out of a hundred percent.

How long the order runs

One more thing parents ask once the number is settled: how long am I paying this.

The court order, according to the legislature, is that child support is valid until you are 18, unless you are in high school, and then it ends at 19. So if it is your 18th birthday and you are still in high school, then it does not end until either school ends or your 19th birthday, whichever comes first.

The court's own power runs to the same endpoint. The court has jurisdiction from the time the court order is in place until the child turns 19 for child support purposes. Within that window it can change the order. After it, the court can no longer change the order or set new support. But any support that went unpaid before then is still owed, and the court can still enforce it.

Common questions

How many overnights change a Maryland child support calculation?

Ninety-two is the line. From zero to 92 overnights your number does not change at all, because that whole range counts as sole custody for child support guidelines only. Two overnights and ninety-two produce the same figure. Above 92, the number changes dramatically, and the more overnights you have, the less you pay, all the way up to 365.

Does a 50/50 custody schedule mean no child support is owed?

Not necessarily. An even overnight split is one input, and income is the other. Support is still calculated from each parent's income relative to the other, then adjusted for the overnight count. Add-ons like daycare are split by the same income ratio, so an even schedule with uneven incomes still produces a payment.

How is daycare factored into Maryland child support?

Average the nine months of school-year cost against the three months of summer, when it often doubles or even triples, and use that monthly average. It goes into the guidelines, the parent who pays it gets the credit, and the other parent covers their share based on their percentage of the combined income.

How long does a Maryland child support order last?

Until the child turns 18, unless they are still in high school, in which case it runs until school ends or their 19th birthday, whichever comes first. So an 18th birthday during senior year does not end it. The court can modify the order right up until that endpoint. Support that went unpaid before then is still owed afterward, and it can still be enforced.

Does the health insurance credit make much difference?

Usually not much. You get it by producing a rate sheet and subtracting the parent-only rate from the family or one-child rate, and the difference goes in as a reduction. But it is not a big change, and unless the health insurance number is huge, it is not that helpful. It gives the parent providing coverage a little benefit.

Chapter reflection

Two numbers produce your support figure. What each of you earns, and how many nights your child sleeps at your house. One threshold inside the second number, at ninety-two overnights, decides whether more time with your child changes anything financially at all.

Knowing where your schedule sits against that line before you agree to it is worth more than any argument you can make afterward.

But neither number is permanent. Jobs end, incomes move, and occasionally a parent arranges for their income to move at a convenient moment. Maryland has rules for all three of those, and they are not the same rules.

CHAPTER ELEVEN

11

When the Support Number Can Change

On the downside, once a child support order is put in place and once it is signed by a judge, that is your official number. The only way to change it, up or down, is to seek what is called a modification of child support.

I want to be blunt about what that means for you, because people get this wrong in a way that costs them real money. Nothing recalculates itself, not when you lose a job, not when you get hurt, and not when the other parent doubles their income. The order sits there and stays true until somebody files something.

This chapter is about the three ways people try to move that number. When circumstances genuinely change, when a parent arranges for them to appear to change, and when two parents try to agree the number away between themselves. Maryland handles all three differently, and only one of them goes the way people expect.

What it takes to get a number reopened

Either party can seek a modification at any time, but only if there is what is called a significant or material change in circumstances. That standard is the same one custody uses, and it is the gate everything else in this chapter sits behind.

So how much change is enough? There is some case law, but there is no official rule. What I can tell you is what I see judges do. I would say on average they would require roughly a 20% increase or decrease as what would be appropriate for a modification.

Take that as a working benchmark and not a line in a statute, because it is not one. The court has the right to look at it even if it is a small up or down, because it is always in the best interest of the child. So a smaller change is not hopeless, it is simply not automatic.

What qualifies in practice is concrete. Someone gets fired from their job, or gets injured at work, or is required to move to a job that has a different location and a different pay. Any of those are reasons for the court to modify. Being unhappy with the arrangement is not one of them.

Then there is a timing trap in the statute that I want you to see before it costs you anything. Under Md. Code, Family Law § 12-104, a court may not retroactively modify a child support award to a date earlier than when the modification motion was actually filed. Lose a job in January but don't file for a modification until June and you have no way to recover the difference for those five months, no matter how legitimate the drop in income was.

Read that twice if you are the one whose income just fell. Waiting to see whether things turn around is the most natural thing in the world, and every month you wait is a month you cannot get back. The statute also names one specific event as its own material change: a party's incarcera-

tion, where it has sufficiently reduced their ability to pay support, counts on its own.

One more piece of this catches people from the other direction. Both parents carry their own separate obligation to act. If a parent stops paying the full amount because their income genuinely dropped, the parent who is owed support can seek contempt for what was not paid. And the person who lost the job or got hurt has to also file for a modification. Losing the job does not excuse the arrears. Filing does.

Voluntary impoverishment, or the pay cut that arrives at a convenient time

Now the other pattern, and if you are the parent owed the money, it is the one you should know by name.

The way it happens most of the time is this. Sometime after the litigation starts, so after someone is served with a request for child support, all of a sudden they lose their job, or all of a sudden they have an injury.

Voluntary impoverishment means that someone has intentionally taken an action in regard to their income that is directed significantly for the purpose of lowering that money. The key word is intentionally. To get a court to find it, you have to prove that person intentionally lost the job, intentionally got hurt, or intentionally moved, strictly for the purpose of reducing their income.

It is also difficult to prove, and I am not going to tell you otherwise.

> ***"But the only way to prove voluntary impoverishment is to convince the court by what's called the preponderance of the evidence, which is basically 51%, that a person has taken an action to intentionally reduce their income so that they in turn reduce child support."***
>
> — TODD MOHINK, ON HOW MARYLAND COURTS HANDLE A SUSPICIOUSLY TIMED PAY CUT

Fifty-one percent. More likely than not. That is a lower bar than the one people imagine from television, and it does not require a confession.

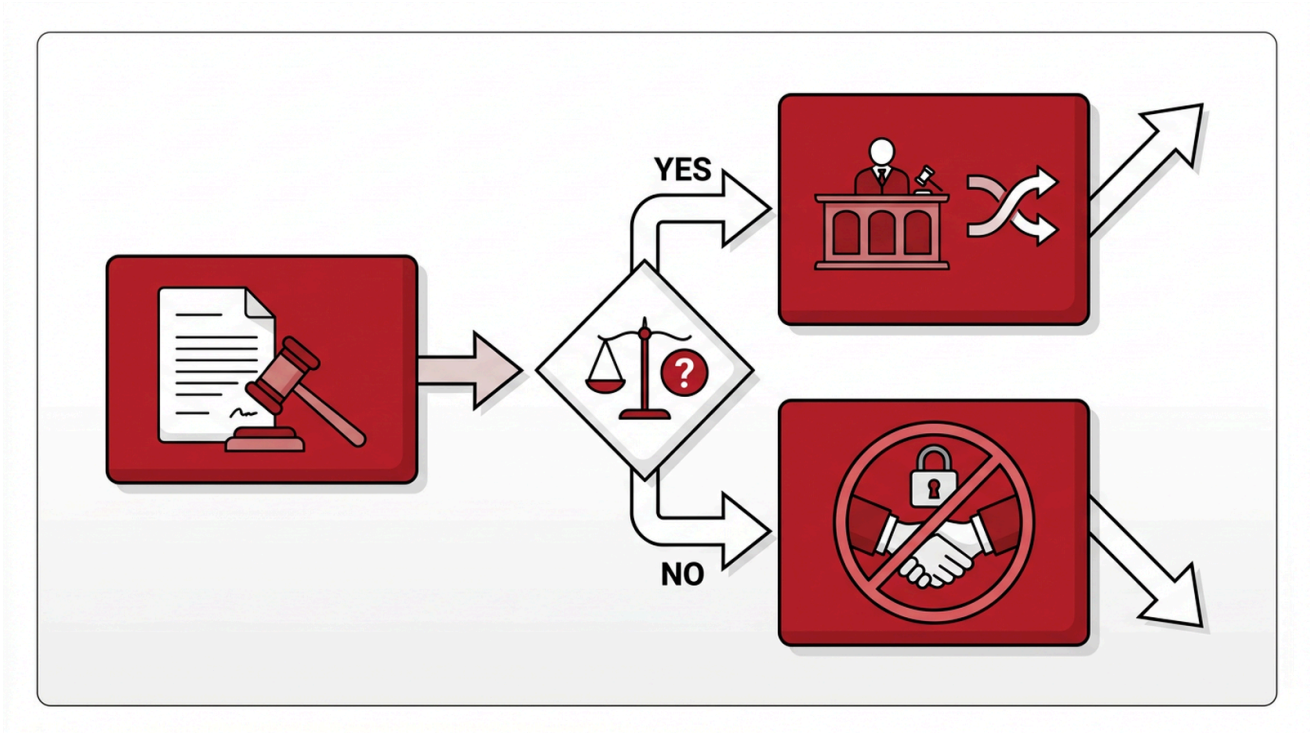
You can show it circumstantially, which means without the party making an admission. Circumstantial evidence, meaning all the paperwork you can get about their tax returns and their business records and all those things, can prove it. Unless they have a justifiable excuse for the change in their income, it would be considered voluntary impoverishment.

And here is what a finding actually does, because this is the part that has teeth. It allows the court to set support on potential income, meaning the income the court finds that parent could be earning, rather than the figure now being reported. So if someone is making 100 and all of a sudden they are making 40, and the court believes that they voluntarily impoverished themselves, the judge can say: "I understand you're making 50, but I don't believe that this happened above board, so I'm gonna set the guidelines at 100."

The order gets calculated off the original figure, not the one now being reported. Doubling the income back up is a significant number, and if the court got it wrong about you, it lands on someone who is genuinely earning less.

So take both sides of that seriously. If you legitimately lost the job or legitimately got hurt, you have nothing to fear from this test, and the paperwork will show it. If you are timing a pay cut around a support filing, understand that circumstantial evidence and timing alone can carry a fifty-one percent burden.

Maryland courts apply a specific test, drawn from cases including Malin v. Mininberg, 153 Md. App. 358 (2003), when a party's income drops suspiciously close to a support proceeding.



The gate every support modification passes through: a material change in circumstances, in the child's best interest. A private agreement between parents is not enough on its own.

You cannot agree the number away

The third route people try is the one that feels most reasonable, and it is the one that does not work.

Deviation from the guidelines has become increasingly difficult. There is a case in Maryland now, and if anyone is interested, the name of the case is Houser. What that case says is that a parent does not have the right to waive child support on behalf of a child.

So even if the parents agree, and that is a big thing today, it does not settle it. The support belongs to your child, not to the two of you, which means it is not yours to trade for something else you want out of the settlement.

I had a case that ran right up against the edge of that rule. My client agreed to a reduction in child support, but that was only because his now ex-wife was going to be traveling back and forth between here and Fort Gordon, Georgia, to see the children. The court accepted that deviation, which means a number was established, but there was a reason why the court agreed that that number was too significant.

Look at why it worked, because it was not because both parents wanted it. As I put it: *"the only way to do a deviation is to prove to the court that it's in the best interest of the child for that deviation to occur, and that really can't be based on the parents. It can only be based on what's in the best interest of the children."*

His ex-wife's travel costs were the children's access to their mother. That is a children's-interest argument that happens to also be a parent's-cost argument. If it had only been the second one, the court would not have taken it.

In Houser v. Houser, 262 Md. App. 473 (2024), affirmed by the Supreme Court of Maryland in 2025 as In re Marriage of Houser, Maryland's courts held that child support is a right belonging to the child.

Common questions

How much does income have to change before Maryland will modify child support?

There is some case law but no official rule. I would say on average judges require roughly a 20% increase or decrease as what would be appropriate. Treat that as a benchmark, not a line, because the court has the right to look at a smaller change too, since it is always in the best interest of the child.

What is voluntary impoverishment in a Maryland child support case?

It means someone intentionally took an action regarding their income directed at lowering that money. You have to prove intent by a preponderance of the evidence, basically 51%, though you can do it circumstantially through tax returns and business records. If the court finds it, it sets the guidelines on potential income, which means the old figure rather than the new one.

Can Maryland parents agree to waive child support between themselves?

No. A parent does not have the right to waive child support on behalf of a child, so even where both parents agree, that agreement does not settle it. Any deviation has to be proven to be in the best interest of the child. It cannot be based on the parents, only on what is in the best interest of the children.

If I lose my job, does my support order drop automatically?

No, and this is where people lose money. Nothing recalculates on its own. A court cannot modify your award back to a date earlier than the day your motion was filed, so every month you wait is a month you cannot recover. Meanwhile the parent owed support can pursue contempt for whatever went unpaid.

Chapter reflection

Three doors, and only one of them opens the way people assume. A real change in circumstances gets you in, if you file promptly. A manufactured change gets you a judge who calculates your support off the income you used to have. And a private agreement between two parents does not get you in at all, because the right belongs to the child.

Every one of those rules exists because Maryland courts worked out, case by case, that families need flexibility and children need a floor.

Which leaves one question this book has not answered, and it turns out to be the one that quietly decides how well every rule in the previous eleven chapters works for you. Not what the law says. Who is standing next to you when it gets applied. A modification fight already underway is a different document from a chapter read in advance, and the deeper version lives at Glen Burnie custody modification page and Columbia custody modification page.

CHAPTER TWELVE

12

Why the Attorney You Hire Changes the Outcome

Eleven chapters of rules, formulas and deadlines. This last one is about the variable that decides how well any of it works for you, and it is not in the statute.

If you ask me what to look for in a local attorney, and that includes me as well as a lot of friends and peers of mine, my answer is probably not the one you expect. It is the knowledge that person has of the law, but more importantly, it is the relationships. Learn more about the right lawyer.

I know how that sounds written down. It sounds like a lawyer telling you to hire a lawyer with connections. So let me explain exactly what I mean by it, because it is more specific and less glamorous than it sounds.

Credibility is not the same thing as knowing the law

The biggest thing for me is that I think the judges find me credible.

Here is what I mean by that. When it comes to judges, if you are an attorney who appears before them regularly, and when I say regularly I mean one time a week at a minimum, if not several times a week, then you get to the place where they decide that you are either credible or you are not credible. That decision gets made about every lawyer who walks into that building, and it gets made whether or not the lawyer knows it.

> ***"The biggest thing a lawyer has in front of a judge is credibility. If you have credibility in front of the judge, it means that the judge believes you're trying to do things the right way instead of trying to be sneaky or change the rules. That's the thing that having a local attorney helps you the most with."***
>
> — TODD MOHINK, ON WHY JUDICIAL CREDIBILITY MATTERS MORE THAN RAW LEGAL KNOWLEDGE

Notice the definition inside that. Credibility is not the judge liking you. It is the judge believing you are trying to do things the right way instead of trying to be sneaky or change the rules.

I want to be precise about the word relationships, because it gets misread as something it is not. I do not necessarily mean personal relationships. I mean business relationships. If you establish yourself in a certain location, the way I have established myself in Anne Arundel County for a long time, you develop relationships with the judges. That local attorney has a reputation, and the reputation is what you are actually buying.

It goes wider than the bench, too. The relationships that matter are the ones within the courthouse. The relationships with people like the clerk's office, the relationships with people like the law clerks who work for the judges, the relationships with the judges themselves.

And it cuts both ways, which is the part that should interest you most as someone choosing. If the attorney has a reputation for being disreputable, or for trying to do it the easy way, or for trying to cut corners, that is going to hurt his client. You do not get to be separate from your lawyer's reputation. You inherit it the day you hire them.

The bottom line to all of this is that if your attorney has credibility with the judges, that means that whatever your case is, you have got a better shot at being successful, because you picked someone the court trusts.

What I will and will not promise you

Every consultation I give has the same honest limit in it, and I would rather say it here than have you discover it later.

We cannot guarantee you a result, but we can guarantee you our best work.

That matters because of what people arrive carrying. I have heard men cannot get custody in Maryland. I have heard that if you are accused of a sexual assault crime, you are going to jail no matter what. People come in with a secondhand verdict about their own case before anyone has looked at the facts, and it is almost always wrong in one direction or the other.

So it is so important to find an experienced lawyer in the area you are working in. That lawyer can help. They may not get you what you want, but they will try to get the best result possible.

Any lawyer who improves on that promise is selling something. What I can commit to is preparation, standing with the court, and treating the case like it matters, because someone's children or someone's home or someone's freedom usually depends on it.

How I think about the bill

Most family law attorneys, myself included, bill hourly on a divorce or child support case. That sets up an incentive worth naming out loud rather than pretending it is not there: the longer a case runs, the more the lawyer gets paid.

Here is my own theory about that, and I have said it the same way for years. I do much better by getting someone to get what they want, or to get a good deal, and them telling their friends about it, than I do by milking them for every cent.

As I say it: *"we try at my firm, me and the lawyers who work for myself, try really hard to let people know how much we appreciate the money that we're spending."* So what I try to do is balance the result you are looking for with making it as reasonably priced as possible. That is not always available, because the other side in a case can make it very difficult, and I will not pretend I control that half.

My rates are not the cheapest rates in this town at all. But my performance makes me believe those rates are reasonable, and if you look at my Google search results, you can see that people agree with me.

The bottom line is that we want to give you integrity and trust at a cost that is reasonable for the services you are receiving.

One more practical note on cost. I require a consultation fee. Even if you fully intend to handle your case yourself, pay it. Anyone who knows they have a child support case coming should contact an attorney and at the very least have a consultation to get an explanation of what is going to happen.



An attorney's desk at a Maryland courthouse, a case file and a consultation notepad ready.

The two mistakes that cost families the most

Across every one of these conversations, I keep coming back to the same two.

The first is trying to do it alone out of fear of the cost, usually with a document standing in for judgment. Instead of a conversation at a conference table about what you want for physical and legal custody, people now come in with "a 20-page ChatGPT chart that tells you tons and tons of information that has no relevance to what we're trying to accomplish."

And I want to be careful here, because I understand the money. I have no problem if people do not have the money. I understand money plays a role in justice. I get that sometimes people have to represent themselves, and I do some low bono work myself. But you have to at least explore every possible avenue about people who do pro bono work or low bono work before you represent yourself.

The reason is arithmetic, not pride. A significant population of people come through here, many times in divorce and custody cases, after they have already made a mess of things, and then it ends up costing them more money than it would have in the first place, because now on top of the regular stuff, we have to fix the errors they made.

The second mistake happens in the first forty-eight hours after somebody gets served. Do not make an emotional, angry or irrational move. Do not get upset and file your own answer telling the court that the other person is a jerk or an idiot or a moron. Go to an attorney first. That document is the first thing a judge reads about you, and it is not the introduction you want.

There is one thing you can start doing today that costs nothing. Keep a journal, and put in it anything you would want your lawyer to hear about later. A canceled call or a missed exchange written down the day it happened carries weight months later that the same story, remembered, never will.

Good vibes, and what thirty years buys

I will end on something that is going to sound soft for a book full of statutes, and I mean it seriously.

I am big into good vibes. I think good vibes are super important, and having good vibes in combination with a potentially very difficult case, where you and your client and the people that work around the client's legal stuff all feel like they have a good vibe, I think that makes a big difference.

That is not a slogan about being pleasant. Family cases run a year. The parties end up in rooms together, and the lawyers end up in rooms together, repeatedly, for months. Whether those rooms are workable changes what comes out of them.

The firm reflects the same idea. I have two full-time domestic lawyers besides me and a full-time criminal lawyer, plus of counsel for trusts, wills and estates, because this is not something anybody here picks up occasionally.

And thirty years in the same two counties is not a line on a resume. It is the reason the clerk takes the call, the law clerk knows the name, and the judge starts from the assumption that what I am telling them is true. That is what is being hired. Not a promise about an outcome, which nobody honest will give, but the best odds available to a given set of facts.

Common questions

Does it matter if a Maryland family law attorney regularly practices in the specific county?

In my opinion it matters a great deal. If you appear before the same judges at least once a week, they reach a point where they decide you are either credible or you are not, and that judgment extends to the clerks and the law clerks too. That reputation is the thing you are paying a local attorney for.

What is the biggest mistake Mohink sees families make in a divorce or support case?

Two of them. Handling a case alone with generated research standing in for legal judgment, which usually ends up costing more once someone has to fix the errors. And reacting to being served with an angry filing that tells the court the other person is a jerk or an idiot or a moron, instead of consulting an attorney first.

Should a family consult an attorney even if they plan to represent themselves?

Yes. A paid consultation is worth it even if your true intention is to file on your own. Anyone who knows a case is coming should at the very least have a consultation to get an explanation of what is going to happen before anything gets filed.

Should I start keeping records before I have even talked to a lawyer?

Yes, and it costs you nothing. Write it down, the same day, in whatever you will actually keep. A note written the day a call was canceled or an exchange was missed is evidence. The same events reconstructed from memory eight months later are a story, and they carry far less weight.

What can an attorney promise about the outcome?

Not the outcome. We cannot guarantee you a result, but we can guarantee you our best work. An experienced lawyer in the right area may not get you what you want, but they will try to get you the best result possible, and anyone promising you more than that is selling you something.

Chapter reflection

Every formula and deadline in this book describes what Maryland law requires of your case. None of it describes how your case will go, and the gap between those two things is filled by preparation, by credibility in one building, and by whether you called somebody before or after you made a decision you could not take back.

That is the thread running from the two-to-four-month divorce in Chapter 1 to a support order that actually reflects what your family earns and how your children live. At every one of those steps, the law was fixed and the choice was yours.

Which leaves the easiest advice in the book, and the one I have given more often than any other. Before you file anything, before you sign anything, before you agree to a schedule because the room is tense and you want it to be over, talk to somebody who has been in that courthouse this week.

Frequently Asked Questions

Do I need a lawyer for an uncontested divorce in Maryland?

Mohink does not recommend proceeding without one, even for an entirely uncontested case, if legal help is affordable. For those who cannot afford representation, agencies exist to assist unrepresented litigants through the filing process.

How is alimony different from child support in Maryland?

Mohink draws a specific income distinction between the two: child support guidelines run on gross income, while alimony calculations use net income. The two also serve different purposes, with child support tied to a legislative formula and alimony left to broader judicial discretion.

What happens if my ex and I agree on almost everything except one issue?

According to Mohink, the outcome depends on what the unresolved issue is. A non-waivable issue like child support gets resolved through the guidelines, whatever the parties prefer. Other disputed points can be narrowed by more negotiation, or by a limited hearing on that single issue.

Can a Maryland divorce case be finalized without ever appearing before a judge in person?

For an uncontested case built on a complete marital settlement agreement, the final hearing is often short. Mohink puts it at roughly ten minutes over Zoom, long enough to take the testimony needed to finalize the divorce.

What should I bring to a first meeting with a Maryland family law attorney?

For a new case, a clear picture of what you want for physical and legal custody. For a modification of an existing order, Mohink recommends bringing any existing court orders and pleadings, along with records of employment, income, taxes, and assets.

Does it matter who files for divorce first in Maryland?

Mohink notes that filing first does not carry an inherent legal advantage. But it does start the clock: the case does not move until someone files and the other party is served, so the timeline for temporary relief and scheduling begins with whoever files.

How does Maryland treat a business owned by one spouse in a divorce?

A business interest gets folded into both the property division and the income analysis for support, with discovery playing an outsized role. Mohink stresses that a lawyer needs to review the tax returns and corporate structure rather than accept a bottom-line income figure at face value.

What is the Bangs formula and does it only apply to military pensions?

The Bangs formula compares the time a pension built up during the marriage against its total accrual period, and it applies to civilian pensions and retirement plans as well as military retirement. A marital home is handled differently: where money from before the marriage went into it, Maryland credits that contribution under its source-of-funds rule rather than the Bangs fraction.

Can a Maryland support order change if my ex loses their job?

Yes, provided the job loss represents a material change in circumstances and was not intentionally caused to reduce support obligations. A court may also choose to impute income if it finds the change was engineered specifically to lower the support figure.

Why does Mohink emphasize good vibes as part of how he practices law?

He describes it as a working philosophy rather than a legal strategy. When a lawyer, a client, and everyone supporting the client's case feel a genuine rapport, hard cases go noticeably better. The legal rules being applied stay exactly the same.

Conclusion

Across five recorded conversations, on two subjects and in two counties, the same throughline keeps surfacing. A Maryland divorce or child support case is a sequence of choices, not a single event decided by a judge on one day. Most of those choices get made in the first few weeks. They get made by people who do not yet realize how much they will decide everything that follows.

Whether a family reaches a complete agreement or leaves an issue open sets the timeline. Which ground they file under, which courthouse has jurisdiction, and whether a party is protected by federal military law all shape the process before a single hearing is scheduled. And once a marriage is dissolved, the child support formula runs on its own logic. It rewards accurate income reporting and real time with the children. It does not reward a manufactured pay cut, or a private agreement that tries to write a child's right to support out of the picture.

None of that removes the need for a lawyer who has stood in the Anne Arundel County and Howard County courtrooms where these cases are decided. What this book offers instead is the map I give my own clients before the first hearing. Whatever a Glen Burnie or Columbia family decides to do next, they decide it with a clearer picture of the process in front of them.

Final Takeaways

1. An uncontested Maryland divorce, built on a complete marital settlement agreement, usually takes two to four months. A contested case runs a year or longer.
2. Maryland recognizes three no-fault divorce grounds since its 2023 reform: mutual consent (no waiting period, full agreement required), six-month separation, and irreconcilable differences.
3. Glen Burnie families file at the Circuit Court for Anne Arundel County in Annapolis. Columbia families file at the Circuit Court for Howard County in Ellicott City. Neither city has its own family law court.
4. Pendente lite relief provides temporary child support, custody, or alimony while a case is pending, without determining the final outcome.
5. The Servicemembers Civil Relief Act protects a deployed party from default, but Maryland law, not federal law, still governs the divorce, custody, and property division itself.
6. Physical custody and legal custody are separate decisions in Maryland. A family home can also be awarded to a custodial parent through a use and possession order lasting up to three years.
7. In Todd Mohink's experience, about 98 percent of contested cases still settle before their court date, most often through mediation and discovery producing a signed marital settlement agreement.
8. Maryland's child support guidelines run on combined gross income up to $30,000 per month. Above that ceiling, courts extrapolate a figure based on the child's actual needs.
9. Overnights from zero to 92 count identically toward child support. Above 92, each additional overnight reduces the paying parent's obligation.
10. Support orders can be modified for a material change in circumstances, but Maryland courts will impute income for a manufactured pay cut and will not enforce a parents' private agreement to waive a child's right to support.

Appendix: Sources

This appendix consolidates the outside authorities referenced throughout this book, grouped by type. Todd Mohink's own positions and case experience, drawn from recorded episodes of Maryland Law Explained with Todd Mohink, appear inline throughout the chapters rather than in this reference list.

Statutes & Codified Law

- **Md. Code, Family Law § 7-103.** Maryland's three no-fault grounds for absolute divorce (mutual consent, six-month separation, and irreconcilable differences), the foundation of the grounds discussion in Chapter 2. Family Law § 7-103
- **Md. Code, Family Law § 8-206.** States the purpose behind a family-home use-and-possession order, discussed in Chapter 6. Family Law § 8-206
- **Md. Code, Family Law § 8-208.** Authorizes a court to divide possession and use of the family home between both parties rather than award it to one exclusively, discussed in Chapter 6. Family Law § 8-208
- **Md. Code, Family Law § 8-210.** Sets the specific mechanics of that order: no later than three years after the divorce or annulment is granted, or sooner if the party in possession remarries, discussed in Chapter 6. Family Law § 8-210
- **Md. Code, Family Law § 11-102.** Authorizes a court to award alimony pendente lite during a pending divorce, alimony, or annulment proceeding, discussed in Chapter 4. Family Law § 11-102
- **Md. Code, Family Law § 12-104.** Bars retroactive modification of a child support award to a date earlier than the modification motion's filing date, and names incarceration sufficiently reducing a party's ability to pay as its own qualifying material change, discussed in Chapter 11. Family Law § 12-104
- **Md. Code, Family Law § 12-201.** Defines actual income and adjusted actual income for child support purposes, including which self-employment expenses do not reduce income for guidelines calculations, discussed in Chapters 8 and 9. Family Law § 12-201
- **Md. Code, Family Law § 12-204.** Sets Maryland's child support guidelines schedule and combined-income ceiling, referenced in Chapter 8. Family Law § 12-204

- **Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 et seq.** The federal law protecting a deployed service member from default judgment, discussed in Chapter 5. 50 U.S.C. § 3931

Court Opinions & Case Law

- **Braun v. Headley, 131 Md. App. 588, 750 A.2d 624 (2000).** The Court of Special Appeals decision Todd Mohink argued, establishing that a parent's constitutional right to travel does not override a child's best interests in a custody-relocation dispute, discussed in About the Author and referenced throughout. Braun v. Headley opinion
- **Malin v. Mininberg, 153 Md. App. 358 (2003).** The leading Maryland decision on voluntary impoverishment in child support cases, referenced in Chapter 11.
- **Houser v. Houser, 262 Md. App. 473 (2024), aff'd sub nom. In re Marriage of Houser, No. 34, Sept. Term 2024 (Md. 2025).** Held that child support is a right belonging to the child and cannot be waived by a parents' private agreement, discussed in Chapter 11. In re Marriage of Houser opinion

Professional Bodies & Credentialing Institutions

- **Maryland State Bar Association, Family Law Section.** The professional section Todd Mohink belongs to, referenced in About the Author.
- **Anne Arundel County Bar Association.** Home to the Family Law Committee Todd Mohink serves on. Anne Arundel County Bar Association

Educational Institutions

- **University of Baltimore School of Law.** Todd Mohink's J.D. institution, referenced in About the Author. University of Baltimore School of Law
- **University of Maryland, College Park.** Todd Mohink's undergraduate institution, referenced in About the Author. University of Maryland, College Park

Legal Notice

This book is provided for informational purposes only and does not constitute legal advice. It is based on recorded podcast conversations and publicly available Maryland statutes and case law as of the date of publication. Laws change, and the specific facts of any individual case may lead to a different outcome than the general information described here. Reading this book, contacting the Law Offices of Todd K. Mohink, PA, or scheduling a consultation does not create an attorney-client relationship. An attorney-client relationship is formed only through a signed engagement agreement. Past results described in this book, including the outcome of Braun v. Headley and other referenced matters, do not guarantee or predict a similar outcome in any other case. For advice about your specific situation, consult a Maryland-licensed lawyer directly.

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