

Money fights are hard enough in a marriage. In a divorce, they can turn brutal, especially when you are staring at a mortgage, credit cards, medical bills, and maybe a car loan or two. I have watched couples who were relatively civil about parenting dissolve into open warfare when they realize they may be stuck with a spouse's debt for years after the divorce.

Maryland law does not make debt questions simple, but it does make them predictable if you understand a few core rules. The biggest shift for most people is this: the name on the bill is not the only thing that matters, yet it still matters a lot.

This article walks through how Maryland courts think about debt in divorce, where spouses get into trouble, and what you can do to protect yourself before, during, and after separation.

How Maryland Thinks About Marital Property And Debt

Most people arrive in a lawyer's office with a simple idea: "If it is in my name, it is mine." That is almost never how a Maryland judge sees it.

Maryland is an equitable distribution state. That means the court divides marital property fairly, not automatically 50 / 50. The same logic applies when a judge decides who will be responsible for marital debt. "Equitable" often tracks close to equal, but judges have room to adjust.

Maryland separates property and debt into two broad buckets:

1. Marital: acquired during the marriage, regardless of who holds title, with some important exceptions.
2. Nonmarital: acquired before the marriage, or by certain kinds of individual gifts or inheritance.

Debt works in parallel. A credit card opened during the marriage can be treated as a marital debt even if only one spouse's name is on the account, depending on what it was used for. A student loan that predates the wedding is usually separate, even if both of you sacrificed to help pay it.

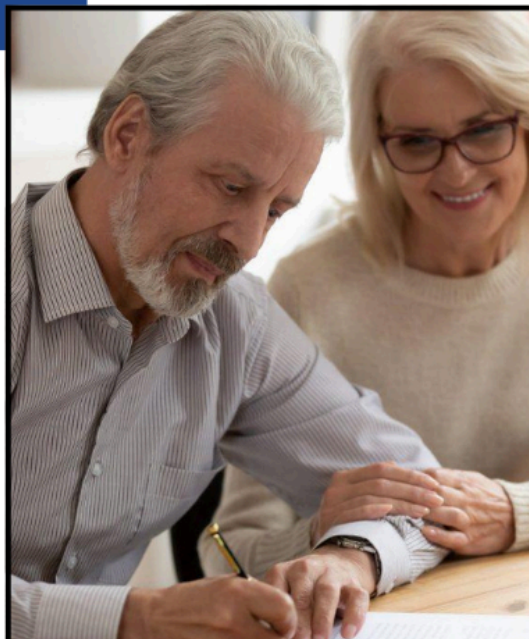
The trick is that "marital" is a label for how the court treats the debt between the spouses, not for how the creditor sees it. Visa and the mortgage company do not care about your divorce order. That gap creates a lot of the stress and strategy in these cases.

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Joint Debt Versus Separate Debt: The Legal Reality

When couples talk about “joint” or “separate” debt, they usually mean whose name is on the account. Under Maryland law, you have to think a little differently.

Joint debts

Joint debts are accounts where both spouses are legally obligated to the creditor: a mortgage with both names on it, a joint credit card, a car loan you both signed, or a jointly cosigned personal loan.

In those [Divorce Lawyer in Maryland](#) cases:

- The bank can pursue either or both of you if payments stop.
- A divorce order that says “Husband will pay the Wells Fargo Visa” does not stop Wells Fargo from suing the wife if husband defaults.
- The court can try to compensate the spouse who keeps paying, for example by awarding more assets or a monetary award, but that does not erase the creditor’s rights.

This is why joint credit cards are particularly dangerous when a relationship is breaking down. I have seen spouses run up thousands of dollars in charges after separation, usually out of anger or panic. Closing or freezing joint accounts early, once separation is real, protects both of you more than it hurts.

Individual debts

Individual debts are accounts in one person’s name only. That might be a credit card, a medical bill, or a student loan.

Here Maryland courts ask two questions.

First, when was the debt incurred. Second, what was it used for.

If a husband opens a card during the marriage and uses it mainly for household groceries, kids' clothes, medical copays, and the occasional date night, a judge is likely to see that as a marital debt, even if the account is only in his name. The court can consider it in the overall division and may treat it as a joint responsibility between the spouses.

On the other hand, if that same card is used for gambling, an affair, or purely personal spending that does not benefit the family, the judge can assign the entire balance to the spouse who ran it up. Waste, dissipation, and misconduct absolutely matter when courts decide "Am I responsible for my spouse's credit card debt in divorce."

I tell clients this bluntly: your story about the debt will matter, but only if you have statements, emails, or other records to back it up. Judges care far more about numbers than about speeches.

The New Maryland Divorce Law And Why It Matters For Debt

Maryland overhauled its divorce laws effective October 1, 2023. The old fault grounds like adultery and desertion are far less central now, and the state streamlined the path to divorce into essentially no-fault grounds focused on separation and irreconcilable differences.

This change affects debt questions in a few ways.

First, you no longer have to wait a full year of physical separation in most cases to file. That means the "marital window" for acquiring assets and debts can close sooner if you move quickly. Separating finances early becomes more realistic than it was when couples had to live apart for a year before filing.

Second, fault is still relevant for some financial decisions. Judges can still consider marital misconduct when dividing property and allocating debt, even under the new law. If one spouse secretly emptied lines of credit, pulled cash from a home equity loan, or ran up cards on a romantic partner, that behavior can still influence how the remaining marital estate is divided.

Third, because the timeline from separation to divorce can be tighter, mistakes made in those first few months carry more weight. A spouse who moves out, stops contributing to bills, and racks up new debt can find that pattern locked into the court's findings when it comes time to argue about who pays what.

So for anyone asking "What to know before you divorce" in Maryland now, the answer includes this: the financial story starts the moment you decide the marriage is over, not when you finally get to court.

Common Types Of Debt In Maryland Divorces

Every case has its wrinkles, but there are recurring patterns that show up again and again in my files.

Mortgages and home equity loans

For many couples, the house is the single largest debt and the single largest asset. The mortgage is usually a joint obligation, and the lender does not care who the judge thinks should live there.

If one spouse wants to keep the home, the cleanest solution is often a refinance into that spouse's sole name, with a buyout of the other spouse's share of the equity. That avoids the worst-case scenario where the spouse who moved out is stuck on the loan and their credit is hostage to whether the other spouse pays on time.

This is where “Why should you never leave your house in a divorce” shows up in real life. Moving out without a clear plan for the mortgage, utilities, and repairs is one of the biggest financial mistakes during a divorce. Not because judges punish you for leaving, but because you give up control over the asset tied to the largest debt.

If neither of you can afford the house alone, selling and splitting the net proceeds is often less painful in the long run than trying to hang on emotionally and sinking both credit scores in the process.

Credit cards

Credit cards are probably the most litigated category when spouses argue “How not to get screwed in divorce.”

Cards used for routine family expenses tend to be treated as marital. Cards secretly used for gifts to a girlfriend, adult entertainment, or hidden travel tend to be treated as that spouse’s problem. The challenge is that statements rarely explain the “why” of a charge, only the “where.”

When I sit down with someone struggling to understand “Am I responsible for my spouse’s credit card debt in divorce,” I ask them to pull 12 to 24 months of statements and start marking categories. Charges at grocery stores, pharmacies, kids’ stores, gas, utilities: those are usually marital. Charges for hotel rooms during regular work hours, jewelry stores with no gift history in the marriage, or dating apps tell a different story.

Judges are human. They know that cards are messy. They will not dissect every line item, but they do look for patterns and outliers.

Car loans

Car debt is comparatively clean. Usually the spouse who keeps the car takes the loan. If both names are on the loan, the judge may require a refinance or a sale. The complicated piece is when one spouse depends on a vehicle for work, but their credit is weaker and refinancing will be rough. In those cases, the overall financial picture, including alimony and child support, often matters more than strict fairness on the loan alone.

Student loans

With student loans, timing is crucial. Loans taken before marriage are almost always separate. Loans taken during marriage are trickier. If a teacher went back to school and the degree boosted the family’s income for several years, some judges feel comfortable treating part of that loan burden as marital. Others leave it entirely with the borrower but might award them a larger share of assets to balance things out.

Spouses often ask, “Can my husband cut me off financially during separation if he earns more and all the loans are in his name.” He can certainly stop voluntary help, but the court can order temporary support while the case is pending, and that support figure can consider loan payments and other recurring obligations.

Business debts

Family-owned businesses create tension. Lines of credit, vendor debt, and equipment loans may be in one spouse’s name but tied to a company that supports the family. When that business is marital property, its liabilities are part of the marital financial picture, even if the non-owner spouse never signed a single note.

Yet from the creditor’s angle, only the person who signed is on the hook. That split between internal fairness and external liability needs careful legal planning.

What Assets And Debts Are Usually “Untouchable”

People constantly ask “What assets are untouchable during divorce” or “What assets cannot be touched in a divorce.” In Maryland, very little is truly untouchable, but some categories receive special treatment.

Retirement assets like 401(k)s and pensions are often misunderstood. If you contributed during the marriage, your spouse typically has a marital claim to a share of those contributions and their growth, even if the account is solely in your name. So when someone asks “Is my wife entitled to half my 401k in a divorce” or “Does my wife get half my pension if we divorce,” the honest answer is that she may be entitled to a portion of the marital share, which is not always precisely half.

On the other hand, contributions made before the marriage are usually nonmarital, and some personal injury awards, inheritances, and certain gifts can be nonmarital if you kept them separate. The phrase “What assets are untouchable during divorce” really means “What assets are likely to be treated as your nonmarital property if you have kept them clearly separate and can prove it.”

Debt is similar. Nonmarital debt that clearly belongs to one spouse and did not benefit the family is usually allocated entirely to that spouse. The trick is: judges can, and sometimes do, take even nonmarital assets into account when they decide whether to make a monetary award to balance the overall equities.

If you want to “protect money before divorce,” you need to be careful. Moving funds into secret accounts, transferring property to relatives, or running up debt to stash cash almost always backfires. Judges are adept at spotting sudden changes right before separation. That kind of behavior can lead to sanctions, unfavorable property awards, or credibility problems in front of the court.

Who Pays For The Divorce Itself In Maryland

Another frequent question is “Who pays for a divorce in Maryland” and “How much does a divorce lawyer cost in Maryland.”

Court filing fees are typically a few hundred dollars. Attorney fees vary enormously, but for a contested case with property and debt issues, seeing retainer quotes in the 5,000 to 15,000 dollar range is not unusual, and bills can go higher in heavily litigated cases.

Each spouse usually pays their own lawyer, but the court can order one spouse to contribute to the other’s fees, especially if there is a large income gap, clear misconduct, or one party has dragged things out unreasonably. Fees can also be shifted when one spouse hides assets or lies about debt.

So when you interview a divorce lawyer in Maryland, ask practical questions: how they bill, how they staff cases, how they try to manage conflict so legal fees do not eat more of the estate than the actual debts at stake. The “best divorce attorney in Maryland” for you is not the person on a billboard, but the one who explains your options clearly, respects your budget, and has enough courtroom experience that their advice is grounded in what local judges really do.

Debt, Support, And Alimony: How They Interact

Property division, debt allocation, child support, and alimony are separate questions in theory. In practice, they overlap constantly.

When the court considers “What qualifies you for alimony in Maryland,” it looks at multiple factors, including the standard of living during the marriage, the length of the marriage, each spouse’s income and earning capacity, and each party’s financial needs and obligations. Debt payments are part of those obligations.

Imagine a long-term homemaker who is now facing a return to work after twenty years. If she is saddled with most of the marital credit card debt and a share of the mortgage, the judge may be more inclined to award her alimony, or to extend the duration. Conversely, a higher-earning spouse who agrees to take on more of the marital debt may be able to negotiate a shorter alimony term or a lower monthly amount.

Judges rarely say this explicitly, but when you watch enough cases, you see it: they are looking for an overall package that feels livable and reasonably fair, not a mathematically perfect split of each category in isolation.

Practical Steps To Protect Yourself Around Debt

You cannot undo the past spending, but you can control how you handle debt once you know divorce is likely. Here is a short, practical checklist that I use with many clients.

- Pull a full credit report for yourself from all three major bureaus, and if you reasonably can, review your spouse's report or at least any joint accounts.
- Gather 12 to 24 months of statements for all credit cards, lines of credit, loans, and the mortgage so you can track patterns and identify which debts are clearly marital and which are questionable.
- Close or freeze joint credit card accounts to prevent new charges, while leaving enough liquidity for essentials, and discuss with your lawyer how to handle any necessary emergency spending.
- Set up your own checking account and, where possible, redirect your paycheck there, but keep paying agreed household bills until you have a temporary order or a clear written plan.
- Start a simple spreadsheet or summary log with balances, interest rates, and whose name is on each account so you do not walk into mediation or court guessing about numbers.

If you do these things early, your lawyer can focus on strategy instead of forensic cleanup.

Mediation, Judges, And How You Present Debt Issues

Most Maryland divorce cases settle through negotiation or mediation, not trial. Understanding how to talk about debt in those settings matters almost as much as the numbers themselves.

In mediation, the question "What not to say in divorce mediation" applies directly to debt. Blaming your spouse in broad strokes rarely moves things forward. Saying "You always spent too much" tends to provoke defensiveness. Saying, "These statements show that during the separation period, there were 8,000 dollars in new charges for travel that did not involve the kids. That worries me, and I think those should be treated as your separate responsibility," grounds the conversation in facts.

If you do end up in front of a judge, presentation matters. People ask "How to impress a judge in family court" and "What colors do judges like to see" far more often than they ask how to present a clean financial picture. Neutral, conservative clothing is fine, but judges are far more impressed by witnesses who know their numbers, have documents in order, and answer questions directly even when the answer is uncomfortable.

On custody issues, "How do you show the court you are a good parent" often intersects with money. Paying support on time, contributing reasonably to children's needs during separation, and avoiding vindictive moves like shutting off the other parent's phone or car insurance speak loudly about your priorities.

Separation, The House, And The "Biggest Mistake"

Ask ten family lawyers, “What is the biggest mistake during a divorce,” and at least half will talk about moving out of the house without a plan. There is a reason you see variations of “Why is moving out the biggest mistake in a divorce” and “Why should you never leave your house in a divorce” all over the internet.

Leaving impulsively can hurt you in multiple ways at once. You may still be on the mortgage and utilities, paying for a place you do not live in. You may weaken your practical claim to be the primary caregiver if the children stay with the other parent in the home. You may take on new lease obligations, doubling your monthly fixed expenses just as legal fees are ramping up.

That does not mean nobody should ever move out. In cases involving domestic violence, severe conflict, or safety issues for the children, staying can be worse. But even then, you need to think carefully about how the move will look on paper: who pays what, how contact with the kids is structured, and what story the bank statements will tell six months later.

Maryland does not require a formal separation notice, but it does care about when you separated and how you behaved afterward. The date of separation draws a rough line between what is clearly marital and what may be post-separation. A spouse who explodes in anger, walks out, and stops paying anything often creates more long-term financial damage than they realize in that moment.

Behavior During Separation: What Not To Do

The way you handle money during separation can echo for years. A few patterns come up over and over when someone asks “What should a wife not do during separation” or “What is the biggest mistake in a divorce.”

Draining joint accounts out of fear or spite is almost always a mistake. Judges tend to see that as self-help, and they have ways to correct it: ordering you to return funds, awarding more property to your spouse, or treating the withdrawal as an advance on your share.

Stopping all contributions to bills while continuing a comfortable personal lifestyle is another common error. If you earn significantly more than your spouse and you simply cut them off, courts can view that as financial abuse. “Can my husband cut me off financially during separation” comes up a lot, and the honest answer is that he can try, but judges have tools like temporary support orders and fee shifting to level the field.

Running up secret debt on new cards during separation is also risky. While some post-separation debt is separate, judges can still look at the purpose of the spending and, if it appears to be a way of hiding cash or punishing your spouse, handle it harshly.

If your goal is “How not to get screwed in divorce,” focus less on punishing the other side and more on behaving in a way you would be comfortable explaining under oath.

When You Need A Lawyer, And What To Ask

Some couples manage a simple, cooperative divorce with minimal attorney help. But if you have significant debt, a house, retirement accounts, or children, getting advice from a seasoned divorce lawyer in Maryland is rarely wasted money.

When you meet for a consultation, bring a basic list of assets and debts. Ask how they would approach your case, what a realistic range of outcomes looks like, and where your biggest financial vulnerabilities lie. A good attorney will not promise miracles or guarantee that you will keep the house and pay none of the credit cards. They will walk you through trade-offs: taking on more of the debt to keep a particular asset, agreeing to sell property to

avoid ongoing joint liability, or using a share of a retirement account to eliminate high-interest credit card balances.

No lawyer can erase the obligations you and your spouse created during the marriage. But the right strategy can prevent a bad financial situation from turning into a generational one.

Debt is not a side issue in a Maryland divorce. It is the spine that many other questions hang on: housing, support, parenting schedules, and even your ability to rebuild a life once the case is over. The earlier you face those numbers honestly, the more control you have over what happens next.

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