

SENATE BILL 104

D4

3lr1317

By: **Senators Brochin and Zirkin**

Introduced and read first time: January 14, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grounds for Absolute Divorce – Time Requirements**

3 FOR the purpose of altering a certain ground for absolute divorce by reducing the
4 amount of time required for the parties to have lived separate and apart
5 without cohabitation; making a conforming change; and generally relating to
6 grounds for absolute divorce.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 7–103(a) and (c)
10 Annotated Code of Maryland
11 (2012 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – Family Law**

15 7–103.

16 (a) The court may decree an absolute divorce on the following grounds:

17 (1) adultery;

18 (2) desertion, if:

19 (i) the desertion has continued for 12 months without
20 interruption before the filing of the application for divorce;

21 (ii) the desertion is deliberate and final; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) there is no reasonable expectation of reconciliation;

2 (3) conviction of a felony or misdemeanor in any state or in any court
3 of the United States if before the filing of the application for divorce the defendant has:

4 (i) been sentenced to serve at least 3 years or an indeterminate
5 sentence in a penal institution; and

6 (ii) served 12 months of the sentence;

7 (4) [12-month] **6-MONTH** separation, when the parties have lived
8 separate and apart without cohabitation for [12] **6** months without interruption before
9 the filing of the application for divorce;

10 (5) insanity if:

11 (i) the insane spouse has been confined in a mental institution,
12 hospital, or other similar institution for at least 3 years before the filing of the
13 application for divorce;

14 (ii) the court determines from the testimony of at least 2
15 physicians who are competent in psychiatry that the insanity is incurable and there is
16 no hope of recovery; and

17 (iii) 1 of the parties has been a resident of this State for at least
18 2 years before the filing of the application for divorce;

19 (6) cruelty of treatment toward the complaining party or a minor child
20 of the complaining party, if there is no reasonable expectation of reconciliation; or

21 (7) excessively vicious conduct toward the complaining party or a
22 minor child of the complaining party, if there is no reasonable expectation of
23 reconciliation.

24 (c) Res judicata with respect to another ground under this section is not a
25 bar to either party obtaining an absolute divorce on the ground of [12-month]
26 **6-MONTH** separation.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2013.