

# SENATE BILL 359

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6lr1299

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By: **Senator Zirkin**

Introduced and read first time: January 28, 2016

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Divorce – Corroboration of Testimony and Filing Procedures**

3 FOR the purpose of repealing the prohibition on a court entering a decree of divorce on the  
4 uncorroborated testimony of the party seeking the divorce; requiring parties to  
5 jointly file a certain complaint in order to initiate proceedings for an absolute divorce  
6 on the grounds of mutual consent; requiring the Court of Appeals to establish a  
7 certain joint complaint form and procedures for filing certain joint complaints; and  
8 generally relating to divorce.

9 BY repealing and reenacting, with amendments,  
10 Article – Family Law  
11 Section 7–101 and 7–103(f)  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, without amendments,  
15 Article – Family Law  
16 Section 7–103(a)(8)  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2015 Supplement)

19 BY adding to  
20 Article – Family Law  
21 Section 7–103(f)  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2015 Supplement)

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

26 **Article – Family Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-101.

2 [(a)] If the grounds for the divorce occurred outside of this State, a party may not  
3 apply for a divorce unless one of the parties has resided in this State for at least 6 months  
4 before the application is filed.

5 [(b)] A court may not enter a decree of divorce on the uncorroborated testimony of  
6 the party who is seeking the divorce.]

7 7-103.

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

9 (8) mutual consent, if:

10 (i) the parties do not have any minor children in common;

11 (ii) the parties execute and submit to the court a written settlement  
12 agreement signed by both parties that resolves all issues relating to:

13 1. alimony; and

14 2. the distribution of property, including the relief provided  
15 in §§ 8-205 and 8-208 of this article;

16 (iii) neither party files a pleading to set aside the settlement  
17 agreement prior to the divorce hearing required under the Maryland Rules; and

18 (iv) both parties appear before the court at the absolute divorce  
19 hearing.

20 **(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE**  
21 **GROUND OF MUTUAL CONSENT, THE PARTIES SHALL JOINTLY FILE A COMPLAINT**  
22 **FOR ABSOLUTE DIVORCE.**

23 **(2) THE COURT OF APPEALS SHALL, BY RULE, ESTABLISH A JOINT**  
24 **COMPLAINT FORM AND PROCEDURES FOR FILING JOINT COMPLAINTS UNDER THIS**  
25 **SUBSECTION.**

26 [(f)] (G) If a court decrees an absolute divorce on the grounds of mutual consent  
27 under subsection (a)(8) of this section, the court may:

28 (1) merge or incorporate the settlement agreement into the divorce decree;  
29 and

1                   (2)     modify or enforce the settlement agreement consistent with Title 8,  
2 Subtitle 1 of this article.

3                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2016.