

SENATE BILL 359

D4

6lr1299

By: ~~Senator Zirkin~~ **Senators Zirkin and Norman**

Introduced and read first time: January 28, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2016

CHAPTER _____

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~~ authorizing
5 parties to jointly file a certain complaint in order to initiate proceedings for an
6 absolute divorce on the grounds of mutual consent; requiring the Court of Appeals to
7 establish a certain joint complaint form and procedures for filing certain joint
8 complaints; and 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2012 Replacement Volume and 2015 Supplement)

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

Article – Family Law

7–101.

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

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

7–103.

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

(8) mutual consent, if:

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

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

1. alimony; and

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

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

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

(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE GROUNDS OF MUTUAL CONSENT, THE PARTIES ~~SHALL~~ MAY JOINTLY FILE A COMPLAINT FOR ABSOLUTE DIVORCE.

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

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

3 (1) merge or incorporate the settlement agreement into the divorce decree;
4 and

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.