

SENATE BILL 96

D4
SB 499/17 – JPR

(PRE-FILED)

8lr1216

By: **Senator Norman**

Requested: November 15, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: January 26, 2018

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Divorce on Grounds of Mutual Consent – Court Appearance**

3 FOR the purpose of repealing the requirement that both parties appear before the court at
4 an absolute divorce hearing in order for the court to decree an absolute divorce on
5 the grounds of mutual consent; and generally relating to divorce on the grounds of
6 mutual consent.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 7–103(a)(8)
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 7–103(f)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2017 Supplement)

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

19 **Article – Family Law**

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.



1 7–103.

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

3 (8) mutual consent, if:

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

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

7 1. alimony; and

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

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

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

14 (f) If a court decrees an absolute divorce on the grounds of mutual consent under
15 subsection (a)(8) of this section, the court may:

16 (1) merge or incorporate the settlement agreement into the divorce decree;
17 and

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.