

# SENATE BILL 96

D4  
SB 499/17 – JPR

(PRE-FILED)

8lr1216

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By: **Senator Norman**

Requested: November 15, 2017

Introduced and read first time: January 10, 2018

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

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:

### Article – Family Law

20 7–103.

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

22 (8) mutual consent, if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (i) the parties do not have any minor children in common;
- 2 (ii) the parties execute and submit to the court a written settlement  
3 agreement signed by both parties that resolves all issues relating to:
- 4 1. alimony; and
- 5 2. the distribution of property, including the relief provided  
6 in §§ 8–205 and 8–208 of this article; **AND**
- 7 (iii) neither party files a pleading to set aside the settlement  
8 agreement prior to the divorce hearing required under the Maryland Rules[; and
- 9 (iv) both parties appear before the court at the absolute divorce  
10 hearing].
- 11 (f) If a court decrees an absolute divorce on the grounds of mutual consent under  
12 subsection (a)(8) of this section, the court may:
- 13 (1) merge or incorporate the settlement agreement into the divorce decree;  
14 and
- 15 (2) modify or enforce the settlement agreement consistent with Title 8,  
16 Subtitle 1 of this article.
- 17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2018.