
By: Delegate Hixson

Introduced and read first time: January 25, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Absolute Divorce - Time Periods**

3 FOR the purpose of altering certain time periods required for a decree of absolute
4 divorce for the grounds of desertion and voluntary separation; and generally
5 relating to the grounds for absolute divorce.

6 BY repealing and reenacting, with amendments,
7 Article - Family Law
8 Section 7-103
9 Annotated Code of Maryland
10 (1991 Replacement Volume and 1995 Supplement)

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

13 **Article - Family Law**

14 7-103.

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

16 (1) adultery;

17 (2) desertion, if:

18 (i) the desertion has continued for [12] 6 months without
19 interruption before the filing of the application for divorce;

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

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

22 (3) voluntary separation, if:

23 (i) the parties voluntarily have lived separate and apart without
24 cohabitation for [12] 6 months without interruption before the filing of the application
25 for divorce; and

26 (ii) there is no reasonable expectation of reconciliation;

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

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

5 (ii) served 12 months of the sentence;

6 (5) 2-year separation, when the parties have lived separate and apart
7 without cohabitation for 2 years without interruption before the filing of the application
8 for divorce; or

9 (6) insanity if:

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

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

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

18 (b) Recrimination is not a bar to either party obtaining an absolute divorce on the
19 grounds set forth in subsection (a)(1) through (5) of this section, but is a factor to be
20 considered by the court in a case involving the ground of adultery.

21 (c) Res judicata with respect to another ground under this section is not a bar to
22 either party obtaining an absolute divorce on the ground of 2-year separation.

23 (d) Condonation is not an absolute bar to a decree of an absolute divorce on the
24 ground of adultery, but is a factor to be considered by the court in determining whether
25 the divorce should be decreed.

26 (e) (1) A court may decree an absolute divorce even if a party has obtained a
27 limited divorce.

28 (2) If a party obtained a limited divorce on the ground of desertion that at
29 the time of the decree did not meet the requirements of subsection (a)(2) of this section,
30 the party may obtain an absolute divorce on the ground of desertion when the desertion
31 meets the requirements of subsection (a)(2) of this section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1996.