

By: Delegate Taylor and Chairman, Judiciary Committee (Family Violence Council), and Delegates Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, and Rawlings

Requested: October 28, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Grounds for Divorce - Waiting Period**

3 FOR the purpose of modifying a provision of law to provide an exception to the
4 requirement that certain parties live separate and apart without cohabitation for a
5 certain period of months before applying for an absolute divorce under a certain
6 ground for divorce.

7 BY repealing and reenacting, with amendments,
8 Article - Family Law
9 Section 7-103(a)
10 Annotated Code of Maryland
11 (1991 Replacement Volume and 1996 Supplement)

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

14 **Article - Family Law**

15 7-103.

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

17 (1) adultery;

18 (2) desertion, if:

19 (i) 1. the desertion has continued for 12 months without
20 interruption before the filing of the application for divorce;

21 [(ii)] 2. the desertion is deliberate and final; and

22 [(iii)] 3. there is no reasonable expectation of reconciliation; OR

23 (II) 1. THERE IS A HISTORY OF HOUSEHOLD VIOLENCE; AND

24 2. THERE IS NO REASONABLE EXPECTATION OF
25 RECONCILIATION;

2

1 (3) voluntary separation, if:

2 (i) the parties voluntarily have lived separate and apart without
3 cohabitation for 12 months without interruption before the filing of the application for
4 divorce; and

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

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

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

10 (ii) served 12 months of the sentence;

11 (5) 2-year separation, when the parties have lived separate and apart
12 without cohabitation for 2 years without interruption before the filing of the application
13 for divorce; or

14 (6) insanity if:

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

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

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 1997.