
By: Delegate Taylor and Chairman, Judiciary Committee (Family Violence Council), and Delegates Dewberry, Hurson, Arnick, Busch, Curran, Harrison, Hixson, Kopp, Menes, Owings, Rawlings, Hecht, Grosfeld, Montague, Love, Pendergrass, Conway, Cadden, Stup, Petzold, Nathan-Pulliam, Willis, McIntosh, Parker, Rosenberg, B. Hughes, Branch, Slade, Donoghue, Franchot, Edwards, Brinkley, Eckardt, Conroy, Bobo, Watson, Fry, Pitkin, and Hubbard

Introduced and read first time: January 30, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Grounds for Divorce - Abuse**

3 FOR the purpose of adding a certain ground for an absolute divorce.

4 BY repealing and reenacting, with amendments,

5 Article - Family Law

6 Section 7-103(a)

7 Annotated Code of Maryland

8 (1991 Replacement Volume and 1996 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Family Law**

12 7-103.

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

14 (1) adultery;

15 (2) desertion, if:

16 (i) the desertion has continued for 12 months without interruption
17 before the filing of the application for divorce;

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

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

20 (3) voluntary separation, if:

21 (i) the parties voluntarily have lived separate and apart without
22 cohabitation for 12 months without interruption before the filing of the application for
23 divorce; and

2

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

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

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

6 (ii) served 12 months of the sentence;

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

10 (6) insanity if:

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

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

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

19 (7) ABUSE, AS DEFINED IN § 4-501(B) OF THIS ARTICLE.

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