

CF 7lr0655

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

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 18, 1997

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of adding a certain ~~ground~~ grounds 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;

2

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

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

3 (3) voluntary separation, if:

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

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

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

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

12 (ii) served 12 months of the sentence;

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

16 (6) insanity if:

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

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

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

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

26 (7) CRUELTY OF TREATMENT OF THE COMPLAINING PARTY; OR

27 (8) EXCESSIVELY VICIOUS CONDUCT TO THE COMPLAINING PARTY.

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

