

CF 7r0701

By: Senators Kelley, Miller, Hoffman, Ruben, Roesser, Forehand, Frosh, Trotter, Bromwell, Hollinger, Sfikas, Stone, Jimeno, Pinsky, Middleton, Teitelbaum, Lawlah, Conway, Colburn, Hughes, and Young

Introduced and read first time: January 13, 1997

Assigned to: Judicial Proceedings

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) 1. the desertion has continued for 12 months without
17 interruption 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

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

2

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[.]; OR

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

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