

HOUSE BILL 33

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1998 Regular Session  
8r0527

(PRE-FILED)

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By: **Delegate Arnick**  
Requested: October 10, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of reducing the waiting period for the filing of an action for absolute  
4 divorce on certain grounds; and generally relating to grounds for absolute  
5 divorce.

6 BY repealing and reenacting, with amendments,  
7 Article - Family Law  
8 Section 7-103(a)  
9 Annotated Code of Maryland  
10 (1991 Replacement Volume and 1997 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:

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

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

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

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

9 (ii) served [12] 6 months of the sentence;

10 (5) 2-year separation, when the parties have lived separate and apart  
11 without cohabitation for 2 years without interruption before the filing of the  
12 application for divorce; or

13 (6) insanity if:

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

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

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 1998.