

SENATE BILL 194

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1998 Regular Session
(8lr0548)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Kelley, Forehand, Hoffman, Pinsky, Roesser, Ruben, Trotter, Conway, Jimeno, Middleton, Colburn, Teitelbaum, Middlebrooks, Currie, Frosh, Hollinger, Lawlah, Van Hollen, and Hughes**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Grounds for Absolute Divorce - Domestic Violence**

3 FOR the purpose of adding certain grounds for an absolute divorce; ~~and authorizing~~
4 ~~the court, as a condition precedent to granting an absolute divorce on certain~~
5 ~~grounds, to assess certain costs and to require the parties to participate in~~
6 ~~certain efforts to achieve reconciliation.~~

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 1997 Supplement)

12 BY adding to

1 ~~Article - Family Law~~
2 ~~Section 7-103(f)~~
3 ~~Annotated Code of Maryland~~
4 ~~(1991 Replacement Volume and 1997 Supplement)~~

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

7 **Article - Family Law**

8 7-103.

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

10 (1) adultery;

11 (2) desertion, if:

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

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

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

16 (3) voluntary separation, if:

17 (i) the parties voluntarily have lived separate and apart without
18 cohabitation for 12 months without interruption before the filing of the application for
19 divorce; and

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

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

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

25 (ii) served 12 months of the sentence;

26 (5) 2-year separation, when the parties have lived separate and apart
27 without cohabitation for 2 years without interruption before the filing of the
28 application for divorce; [or]

29 (6) insanity if:

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

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

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

6 (7) CRUELTY OF TREATMENT TOWARD THE COMPLAINING PARTY, *IF*
7 THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION; OR

8 (8) EXCESSIVELY VICIOUS CONDUCT TOWARD THE COMPLAINING
9 PARTY, *IF THERE IS NO REASONABLE EXPECTATION OF RECONCILIATION*.

10 ~~(F) AS A CONDITION PRECEDENT TO GRANTING A DECREE OF ABSOLUTE~~
11 ~~DIVORCE ON THE GROUND OF CRUELTY OF TREATMENT OR EXCESSIVELY VICIOUS~~
12 ~~CONDUCT, THE COURT MAY:~~

13 ~~(1) REQUIRE THE PARTIES TO PARTICIPATE IN GOOD FAITH IN THE~~
14 ~~EFFORTS TO ACHIEVE RECONCILIATION THAT THE COURT PRESCRIBES; AND~~

15 ~~(2) ASSESS THE COSTS OF ANY EFFORTS TO ACHIEVE RECONCILIATION~~
16 ~~THAT THE COURT PRESCRIBES.~~

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