

SENATE BILL 194

Unofficial Copy  
D4  
HB 677/97 - JUD

1998 Regular Session  
8lr0548  
CF 8lr1113

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

Introduced and read first time: January 28, 1998  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 24, 1998

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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  
13 Article - Family Law  
14 Section 7-103(f)  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 1997 Supplement)

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

1 **Article - Family Law**

2 7-103.

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

4 (1) adultery;

5 (2) desertion, if:

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

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

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

10 (3) voluntary separation, if:

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

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

15 (4) conviction of a felony or misdemeanor in any state or in any court of  
16 the United States if before the filing of the application for divorce the defendant has:17 (i) been sentenced to serve at least 3 years or an indeterminate  
18 sentence in a penal institution; and

19 (ii) served 12 months of the sentence;

20 (5) 2-year separation, when the parties have lived separate and apart  
21 without cohabitation for 2 years without interruption before the filing of the  
22 application for divorce; [or]

23 (6) insanity if:

24 (i) the insane spouse has been confined in a mental institution,  
25 hospital, or other similar institution for at least 3 years before the filing of the  
26 application for divorce;27 (ii) the court determines from the testimony of at least 2 physicians  
28 who are competent in psychiatry that the insanity is incurable and there is no hope of  
29 recovery; and30 (iii) 1 of the parties has been a resident of this State for at least 2  
31 years before the filing of the application for divorce[.];

32 (7) CRUELTY OF TREATMENT TOWARD THE COMPLAINING PARTY; OR

1 (8) EXCESSIVELY VICIOUS CONDUCT TOWARD THE COMPLAINING  
2 PARTY.

3 (F) AS A CONDITION PRECEDENT TO GRANTING A DECREE OF ABSOLUTE  
4 DIVORCE ON THE GROUND OF CRUELTY OF TREATMENT OR EXCESSIVELY VICIOUS  
5 CONDUCT, THE COURT MAY:

6 (1) REQUIRE THE PARTIES TO PARTICIPATE IN GOOD FAITH IN THE  
7 EFFORTS TO ACHIEVE RECONCILIATION THAT THE COURT PRESCRIBES; AND

8 (2) ASSESS THE COSTS OF ANY EFFORTS TO ACHIEVE RECONCILIATION  
9 THAT THE COURT PRESCRIBES.

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