

SENATE BILL 249

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2003 Regular Session
(3r1395)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Grosfeld, Britt, Forehand, Gladden, Hollinger,
Jacobs, Jones, Kelley, Kramer, Lawlah, and Ruben**

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**

3 FOR the purpose of adding cruelty of treatment toward a *minor* child of the
4 complaining party and excessively vicious conduct toward a *minor* child of the
5 complaining party as grounds for an absolute divorce; providing that
6 recrimination is not a bar to obtaining a divorce on any of the specified absolute
7 divorce grounds; and generally relating to grounds for an absolute divorce.

8 BY repealing and reenacting, with amendments,
9 Article - Family Law
10 Section 7-103
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

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

Article - Family Law

1 7-103.

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

3 (1) adultery;

4 (2) desertion, if:

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

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

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

9 (3) voluntary separation, if:

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

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

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

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

18 (ii) served 12 months of the sentence;

19 (5) 2-year separation, when the parties have lived separate and apart
20 without cohabitation for 2 years without interruption before the filing of the
21 application for divorce;

22 (6) insanity if:

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

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

29 (iii) 1 of the parties has been a resident of this State for at least 2
30 years before the filing of the application for divorce;

1 (7) cruelty of treatment toward the complaining party OR A MINOR
2 CHILD OF THE COMPLAINING PARTY, if there is no reasonable expectation of
3 reconciliation; or

4 (8) excessively vicious conduct toward the complaining party OR A
5 MINOR CHILD OF THE COMPLAINING PARTY, if there is no reasonable expectation of
6 reconciliation.

7 (b) Recrimination is not a bar to either party obtaining an absolute divorce on
8 the grounds set forth in subsection (a)(1) through [(5)] (8) of this section, but is a
9 factor to be considered by the court in a case involving the ground of adultery.

10 (c) Res judicata with respect to another ground under this section is not a bar
11 to either party obtaining an absolute divorce on the ground of 2-year separation.

12 (d) Condonation is not an absolute bar to a decree of an absolute divorce on the
13 ground of adultery, but is a factor to be considered by the court in determining
14 whether the divorce should be decreed.

15 (e) (1) A court may decree an absolute divorce even if a party has obtained a
16 limited divorce.

17 (2) If a party obtained a limited divorce on the ground of desertion that
18 at the time of the decree did not meet the requirements of subsection (a)(2) of this
19 section, the party may obtain an absolute divorce on the ground of desertion when the
20 desertion meets the requirements of subsection (a)(2) of this section.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2003.