

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 714
Judicial Proceedings

(Senator Zirkin)

Family Law - Grounds for Divorce - Separation

This bill authorizes a court to grant an absolute divorce on the grounds of separation if (1) either party has filed an application for divorce; (2) 12 months have passed since the application was filed; and (3) there is no reasonable expectation of reconciliation. The bill repeals a requirement that the parties must have voluntarily lived separate and apart without cohabitation and without interruption for 12 months before the filing of the application for divorce. The bill also repeals the grounds of divorce based on a two-year separation of the parties.

Fiscal Summary

State Effect: None. The bill's changes will not materially affect the workload of the Judiciary.

Local Effect: None. The bill's changes will not materially affect the workload for the circuit courts.

Small Business Effect: None.

Analysis

Current Law: A court may grant an absolute divorce on the following grounds:

- adultery;
- desertion, if the desertion is deliberate and final, has continued for 12 months without interruption, and there is no reasonable expectation of reconciliation;

- voluntary separation, if the parties have voluntarily lived separate and apart without cohabitation for 12 months without interruption and there is no reasonable expectation of reconciliation;
- conviction of a felony or misdemeanor in any state or federal court, if the defendant has been sentenced to serve at least three years, or an indeterminate sentence, and has served 12 months of the sentence;
- two-year separation, when the parties have lived separate and apart without cohabitation for two years without interruption before the filing of the divorce application;
- insanity, as specified; or
- cruelty of treatment or excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

Additional Information

Prior Introductions: None.

Cross File: None.

Fiscal Note History: First Reader - February 22, 2010
mlm/kdm

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