

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

Senate Bill 577

(Senator Zirkin)

Judicial Proceedings

Family Law - Grounds for Absolute Divorce - Time Requirements

This bill alters the grounds for an absolute divorce based on the separation of the parties by reducing, from 2 years to 12 months, the period of time the parties must have lived separate and apart without cohabitation and without interruption before filing the application for divorce. This bill also alters the grounds for an absolute divorce based on *voluntary* separation by reducing, from 12 months to 6 months, the amount of time the parties are required to have lived separate and apart without cohabitation and without interruption before filing the application for divorce.

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
mam/kdm

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