

HOUSE BILL 402

D4

11r0825
CF SB 139

By: **Delegates Simmons and Kramer**

Introduced and read first time: February 4, 2011

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grounds for Absolute Divorce – Time Requirements**

3 FOR the purpose of altering certain grounds for absolute divorce by reducing the
4 amount of time required for the parties to have lived separate and apart
5 without cohabitation; and generally relating to grounds for absolute divorce.

6 BY repealing and reenacting, with amendments,
7 Article – Family Law
8 Section 7–103(a)
9 Annotated Code of Maryland
10 (2006 Replacement Volume and 2010 Supplement)

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

13 **Article – Family Law**

14 7–103.

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

16 (1) adultery;

17 (2) desertion, if:

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) voluntary separation, if:

2 (i) the parties voluntarily have lived separate and apart
3 without cohabitation for ~~[12]~~ **6** months without interruption before the filing of the
4 application for divorce; and

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

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

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

10 (ii) served 12 months of the sentence;

11 (5) ~~[2-year]~~ **12-MONTH** separation, when the parties have lived
12 separate and apart without cohabitation for ~~[2 years]~~ **12 MONTHS** without
13 interruption before the filing of the application for divorce;

14 (6) insanity if:

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

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

21 (iii) 1 of the parties has been a resident of this State for at least
22 2 years before the filing of the application for divorce;

23 (7) cruelty of treatment toward the complaining party or a minor child
24 of the complaining party, if there is no reasonable expectation of reconciliation; or

25 (8) excessively vicious conduct toward the complaining party or a
26 minor child of the complaining party, if there is no reasonable expectation of
27 reconciliation.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.