

Chapter 423

(Senate Bill 139)

AN ACT concerning

Family Law – Grounds for Absolute Divorce ~~– Time Requirements~~

FOR the purpose of altering ~~certain grounds~~ a certain ground for absolute divorce by reducing the amount of time required for the parties to have lived separate and apart without cohabitation; repealing a certain ground for divorce; making a conforming change; and generally relating to grounds for absolute divorce.

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

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

Article – Family Law

7–103.

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

(1) adultery;

(2) desertion, if:

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

(ii) the desertion is deliberate and final; and

(iii) there is no reasonable expectation of reconciliation;

(3) ~~voluntary separation, if:~~

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

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

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

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

(ii) served 12 months of the sentence;

~~(5)~~ **(4)** [2-year] **12-MONTH** separation, when the parties have lived separate and apart without cohabitation for [2 years] **12 MONTHS** without interruption before the filing of the application for divorce;

~~(6)~~ **(5)** insanity if:

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

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

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

~~(7)~~ **(6)** cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

~~(8)~~ **(7)** excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of [2-year] 12-MONTH separation.

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

Approved by the Governor, May 19, 2011.