

# SENATE BILL 363

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4lr1547

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By: **Senator Zirkin**

Introduced and read first time: January 22, 2014

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grounds for Divorce – Valid Separation Agreement**

3 FOR the purpose of authorizing a court to grant a limited or absolute divorce on the  
4 ground of the execution of a valid separation agreement that resolves certain  
5 rights and obligations of the parties; and generally relating to the grounds for a  
6 limited or absolute divorce.

7 BY repealing and reenacting, with amendments,  
8 Article – Family Law  
9 Section 7–102(a) and 7–103(a)  
10 Annotated Code of Maryland  
11 (2012 Replacement Volume and 2013 Supplement)

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

14 **Article – Family Law**

15 7–102.

16 (a) The court may decree a limited divorce on the following grounds:

17 (1) cruelty of treatment of the complaining party or of a minor child of  
18 the complaining party;

19 (2) excessively vicious conduct to the complaining party or to a minor  
20 child of the complaining party;

21 (3) desertion; [or]

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) voluntary separation, if:

2 (i) the parties are living separate and apart without  
3 cohabitation; and

4 (ii) there is no reasonable expectation of reconciliation; **OR**

5 **(5) THE EXECUTION OF A VALID SEPARATION AGREEMENT THAT**  
6 **RESOLVES ALL ISSUES RELATING TO:**

7 **(I) ALIMONY, SPOUSAL SUPPORT, AND PROPERTY RIGHTS;**

8 **(II) CARE, CUSTODY, SUPPORT, AND EDUCATION OF MINOR**  
9 **OR DEPENDENT CHILDREN; AND**

10 **(III) ALL OTHER RIGHTS AND OBLIGATIONS ARISING FROM**  
11 **THE MARRIAGE.**

12 7–103.

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

14 (1) adultery;

15 (2) desertion, if:

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

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

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

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

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

24 (ii) served 12 months of the sentence;

25 (4) 12-month separation, when the parties have lived separate and  
26 apart without cohabitation for 12 months without interruption before the filing of the  
27 application for divorce;

28 (5) insanity if:

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

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

7 (iii) 1 of the parties has been a resident of this State for at least  
8 2 years before the filing of the application for divorce;

9 (6) cruelty of treatment toward the complaining party or a minor child  
10 of the complaining party, if there is no reasonable expectation of reconciliation; [or]

11 (7) excessively vicious conduct toward the complaining party or a  
12 minor child of the complaining party, if there is no reasonable expectation of  
13 reconciliation; **OR**

14 **(8) THE EXECUTION OF A VALID SEPARATION AGREEMENT THAT**  
15 **RESOLVES ALL ISSUES RELATING TO:**

16 **(I) ALIMONY, SPOUSAL SUPPORT, AND PROPERTY RIGHTS;**

17 **(II) CARE, CUSTODY, SUPPORT, AND EDUCATION OF MINOR**  
18 **OR DEPENDENT CHILDREN; AND**

19 **(III) ALL OTHER RIGHTS AND OBLIGATIONS ARISING FROM**  
20 **THE MARRIAGE.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2014.