HOUSE BILL 165

D4 5lr1401 By: Delegate Dumais Introduced and read first time: January 28, 2015 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: February 24, 2015 CHAPTER AN ACT concerning Family Law - Grounds for Limited Divorce FOR the purpose of altering a certain ground for limited divorce by repealing a requirement that separation of the parties be voluntary and without a reasonable expectation of reconciliation; repealing a certain condition precedent to granting a decree of limited divorce; and generally relating to grounds for limited divorce. BY repealing and reenacting, with amendments, Article – Family Law Section 7-102 Annotated Code of Maryland (2012 Replacement Volume and 2014 Supplement) BY repealing and reenacting, without amendments, Article – Family Law Section 7–103 Annotated Code of Maryland (2012 Replacement Volume and 2014 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article - Family Law 7-102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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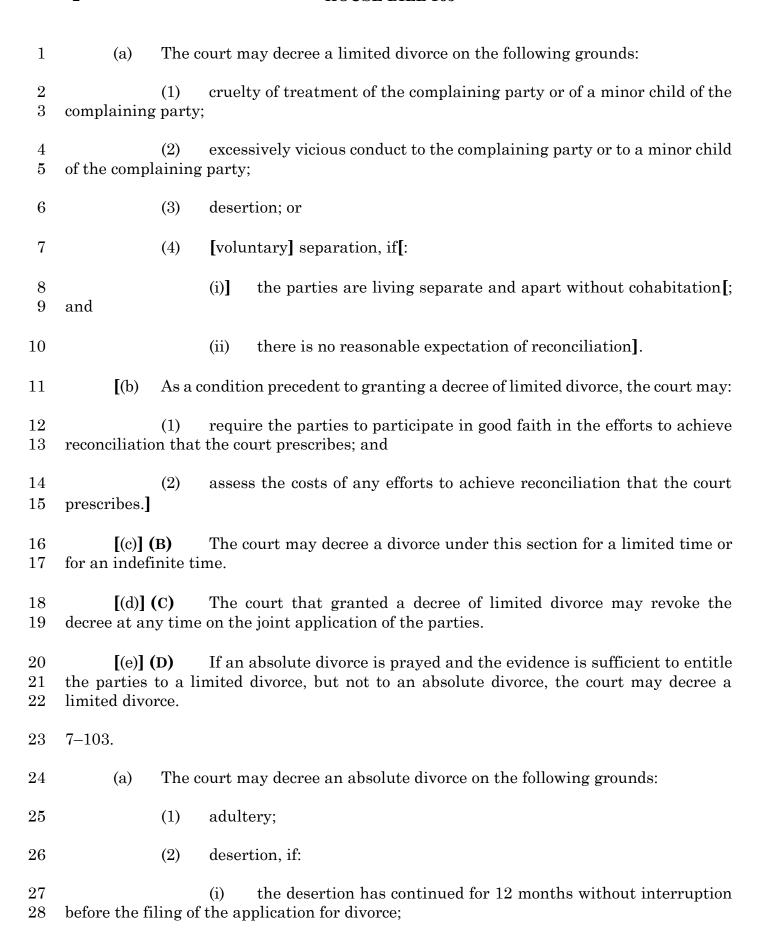
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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





1	(ii) the desertion is deliberate and final; and
2	(iii) there is no reasonable expectation of reconciliation;
3 4	(3) 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:
5 6	(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and
7	(ii) served 12 months of the sentence;
8 9 10	(4) 12—month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce;
11	(5) insanity if:
12 13 14	(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;
15 16 17	(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
18 19	(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;
20 21	(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
22 23	(7) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.
24 25 26	(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.
27 28	(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 12–month separation.

Condonation is not an absolute bar to a decree of an absolute divorce on the

ground of adultery, but is a factor to be considered by the court in determining whether the

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divorce should be decreed.

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party may	obtain a	eree did not r an absolute o	obtained a limit meet the require divorce on the g m (a)(2) of this s	ements of sul ground of des	osection (a)(2	2) of this	section, the	
SEC'October 1, 2		2. AND BE	IT FURTHER	ENACTED,	That this A	Act shall	take effect	
Approved:								
						Govern	or.	
	Speaker of the House of Delegates.							
President of the Senate.								