

Chapter 226

(House Bill 165)

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.

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

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

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

(3) desertion; or

(4) [voluntary] separation, if[:

(i)] the parties are living separate and apart without cohabitation[;

and

(ii) there is no reasonable expectation of reconciliation].

[(b) As a condition precedent to granting a decree of limited divorce, the court may:

(1) require the parties to participate in good faith in the efforts to achieve reconciliation that the court prescribes; and

(2) assess the costs of any efforts to achieve reconciliation that the court prescribes.]

[(c) (B) The court may decree a divorce under this section for a limited time or for an indefinite time.

[(d) (C) The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.

[(e) (D) If an absolute divorce is prayed and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited divorce.

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) 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;

(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;

(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;

(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

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

(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.

(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.

(d) 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 divorce should be decreed.

(e) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a)(2) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.