

SENATE BILL 359

D4

(6lr1299)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by ~~Senator Zirkin~~ Senators Zirkin and Norman

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Divorce – Corroboration of Testimony ~~and Filing Procedures~~**

3 FOR the purpose of repealing ~~the prohibition on~~ a provision prohibiting a court *from*
4 entering a decree of divorce on the uncorroborated testimony of the party seeking the
5 divorce; ~~requiring authorizing parties to jointly file a certain complaint in order to~~
6 ~~initiate proceedings for an absolute divorce on the grounds of mutual consent;~~
7 ~~requiring the Court of Appeals to establish a certain joint complaint form and~~
8 ~~procedures for filing certain joint complaints~~ repealing a provision specifying that, in
9 a suit for absolute divorce on the grounds of voluntary separation, a separation
10 agreement is full corroboration of the plaintiff's testimony that the separation was
11 voluntary under certain circumstances; and generally relating to divorce.

12 BY repealing and reenacting, with amendments,

13 Article – Family Law

14 Section 7-101 ~~and 7-103(f)~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2012 Replacement Volume and 2015 Supplement)

3 ~~BY repealing and reenacting, without amendments,~~
4 ~~Article – Family Law~~
5 ~~Section 7-103(a)(8)~~
6 ~~Annotated Code of Maryland~~
7 ~~(2012 Replacement Volume and 2015 Supplement)~~

8 ~~BY adding to~~
9 ~~Article – Family Law~~
10 ~~Section 7-103(f)~~
11 ~~Annotated Code of Maryland~~
12 ~~(2012 Replacement Volume and 2015 Supplement)~~

13 BY repealing
14 Article – Family Law
15 Section 8-104
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2015 Supplement)

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

20 **Article – Family Law**

21 7–101.

22 [(a)] If the grounds for the divorce occurred outside of this State, a party may not
23 apply for a divorce unless one of the parties has resided in this State for at least 6 months
24 before the application is filed.

25 [(b)] A court may not enter a decree of divorce on the uncorroborated testimony of
26 the party who is seeking the divorce.]

27 ~~7-103.~~

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

29 (8) ~~mutual consent, if:~~

30 (i) ~~the parties do not have any minor children in common;~~

31 (ii) ~~the parties execute and submit to the court a written settlement~~
32 ~~agreement signed by both parties that resolves all issues relating to:~~

1 ~~1. alimony; and~~

2 ~~2. the distribution of property, including the relief provided~~
 3 ~~in §§ 8-205 and 8-208 of this article;~~

4 ~~(iii) neither party files a pleading to set aside the settlement~~
 5 ~~agreement prior to the divorce hearing required under the Maryland Rules; and~~

6 ~~(iv) both parties appear before the court at the absolute divorce~~
 7 ~~hearing.~~

8 ~~(F) (1) TO INITIATE PROCEEDINGS FOR AN ABSOLUTE DIVORCE ON THE~~
 9 ~~GROUND OF MUTUAL CONSENT, THE PARTIES SHALL MAY JOINTLY FILE A~~
 10 ~~COMPLAINT FOR ABSOLUTE DIVORCE.~~

11 ~~(2) THE COURT OF APPEALS SHALL, BY RULE, ESTABLISH A JOINT~~
 12 ~~COMPLAINT FORM AND PROCEDURES FOR FILING JOINT COMPLAINTS UNDER THIS~~
 13 ~~SUBSECTION.~~

14 ~~[(f)] (G) If a court decrees an absolute divorce on the grounds of mutual consent~~
 15 ~~under subsection (a)(8) of this section, the court may:~~

16 ~~(1) merge or incorporate the settlement agreement into the divorce decree;~~
 17 ~~and~~

18 ~~(2) modify or enforce the settlement agreement consistent with Title 8,~~
 19 ~~Subtitle 1 of this article.~~

20 ~~[8-104.~~

21 ~~*In a suit for absolute divorce on the grounds of voluntary separation, a separation*~~
 22 ~~*agreement is full corroboration of the plaintiff's testimony that the separation was voluntary*~~
 23 ~~*if the agreement:*~~

24 ~~(1) *states that the spouses voluntarily agreed to separate; and*~~

25 ~~(2) *is executed under oath before the application for divorce is filed.*]~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 27 October 1, 2016.