

## Chapter 850

**(Senate Bill 120)**

AN ACT concerning

**Family Law – Divorce on Grounds of Mutual Consent – Parties With Minor Children**

FOR the purpose of authorizing a court to decree an absolute divorce on the grounds of mutual consent if the parties have minor children, under certain circumstances; requiring a certain settlement agreement to provide for the care, custody, access, and support of minor or dependent children; requiring certain parties to attach a completed child support guidelines worksheet to a certain settlement agreement; providing that a court may decree an absolute divorce on the grounds of mutual consent only if, after reviewing a certain settlement agreement, the court is satisfied that any terms of the agreement relating to minor or dependent children are in the best interests of those children; and generally relating to the grounds for an absolute divorce.

BY repealing and reenacting, with amendments,  
Article – Family Law  
Section 7–103(a)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, without amendments,  
Article – Family Law  
Section 7–103(f)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2017 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) 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;

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

(8) mutual consent, if:

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

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

1. alimony; [and]

2. the distribution of property, including the relief provided

in §§ 8–205 and 8–208 of this article; AND

**3. THE CARE, CUSTODY, ACCESS, AND SUPPORT OF MINOR OR DEPENDENT CHILDREN;**

**(II) THE PARTIES ATTACH TO THE SETTLEMENT AGREEMENT A COMPLETED CHILD SUPPORT GUIDELINES WORKSHEET IF THE SETTLEMENT AGREEMENT PROVIDES FOR THE PAYMENT OF CHILD SUPPORT;**

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

(iv) both parties appear before the court at the absolute divorce hearing; AND

**(V) AFTER REVIEWING THE SETTLEMENT AGREEMENT, THE COURT IS SATISFIED THAT ANY TERMS OF THE AGREEMENT RELATING TO MINOR OR DEPENDENT CHILDREN ARE IN THE BEST INTERESTS OF THOSE CHILDREN.**

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Enacted under Article II, § 17(c) of the Maryland Constitution, May 26, 2018.**