HOUSE BILL 243

1lr0909 D4 HB 80/20 - JUD (PRE-FILED) By: Delegate Atterbeary Requested: October 9, 2020 Introduced and read first time: January 13, 2021 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: February 11, 2021 CHAPTER AN ACT concerning Family Law - Grounds for Divorce FOR the purpose of altering certain grounds for a limited divorce and an absolute divorce; authorizing the court to decree a limited divorce on the ground of irreconcilable differences and an absolute divorce on the ground of completion of a 6-month waiting period under certain circumstances; and generally relating to divorce. BY repealing and reenacting, with amendments, Article – Family Law Section 7–102 and 7–103 Annotated Code of Maryland (2019 Replacement Volume and 2020 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: cruelty of treatment of the complaining party or of a minor child of the (1)complaining party;

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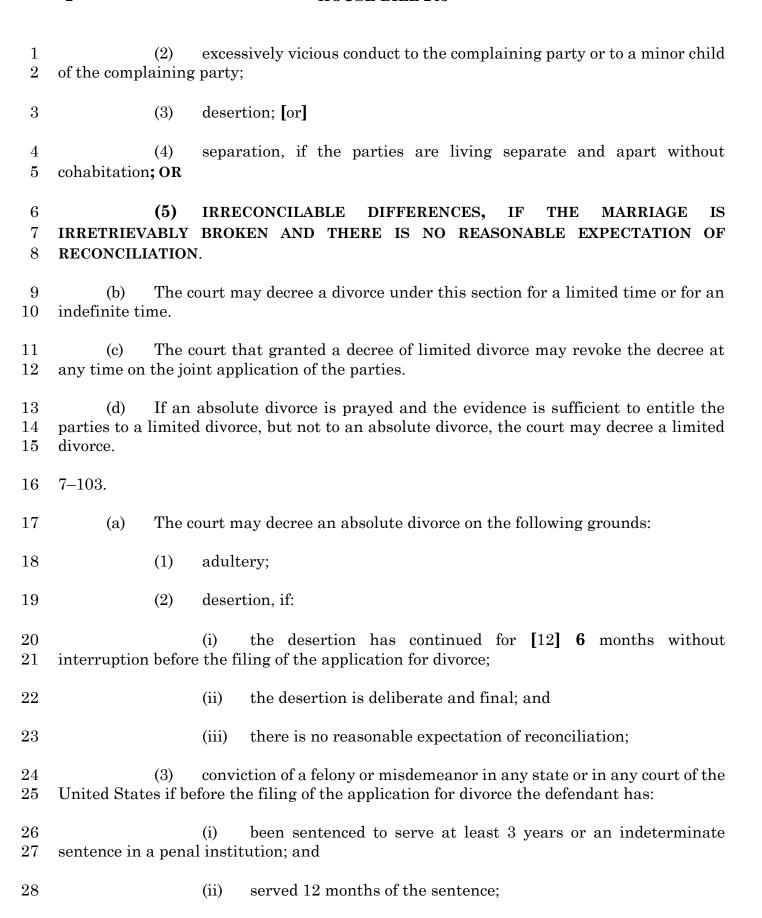
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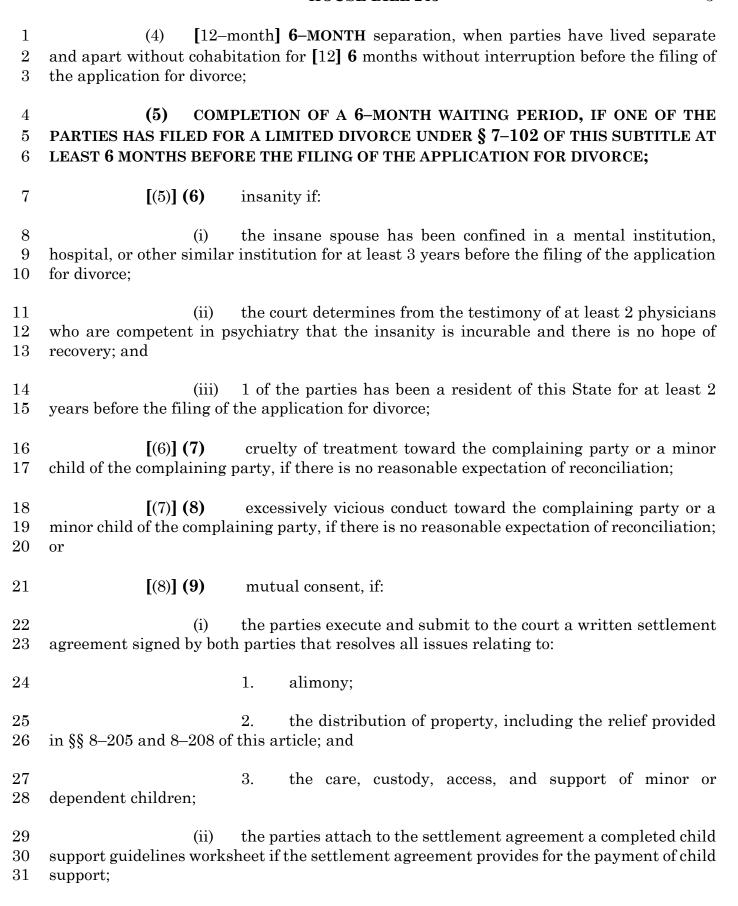
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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





- 1 (iii) neither party files a pleading to set aside the settlement 2 agreement prior to the divorce hearing required under the Maryland Rules; and
- 3 (iv) after reviewing the settlement agreement, the court is satisfied 4 that any terms of the agreement relating to minor or dependent children are in the best 5 interests of those children.
- 6 (b) Recrimination is not a bar to either party obtaining an absolute divorce on the 7 grounds set forth in subsection (a)(1) through **[**(7)**] (8)** of this section, but is a factor to be 8 considered by the court in a case involving the ground of adultery.
- 9 (c) Res judicata with respect to another ground under this section is not a bar to 10 either party obtaining an absolute divorce on the ground of 12—month separation.
- 11 (d) Condonation is not an absolute bar to a decree of an absolute divorce on the 12 ground of adultery, but is a factor to be considered by the court in determining whether the 13 divorce should be decreed.
- 14 (e) (1) A court may decree an absolute divorce even if a party has obtained a 15 limited divorce.
- 16 (2) If a party obtained a limited divorce on the ground of desertion that at 17 the time of the decree did not meet the requirements of subsection (a)(2) of this section, the 18 party may obtain an absolute divorce on the ground of desertion when the desertion meets 19 the requirements of subsection (a)(2) of this section.
- 20 (f) If a court decrees an absolute divorce on the grounds of mutual consent under 21 subsection [(a)(8)] (A)(9) of this section, the court may:
- 22 (1) merge or incorporate the settlement agreement into the divorce decree; 23 and
- 24 (2) modify or enforce the settlement agreement consistent with Title 8, 25 Subtitle 1 of this article.
- 26 (g) For purposes of subsection (a)(4) of this section, the "filing of the application for divorce" includes an oral amendment made by a party with the consent of the other party at a hearing on the merits in open court to a previously filed application for limited or absolute divorce.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.