

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 959 (Delegate Conaway)
 Judiciary

Absolute Divorce - Mutual Consent - Deadline for Ruling

This bill requires a court to rule on an application for absolute divorce on the grounds of mutual consent no more than seven days after the date on which the application is filed.

Fiscal Summary

State Effect: General fund expenditures increase by \$26,500 in FY 2022 only for computer programming. Otherwise, the Judiciary can comply with the bill’s requirements using existing resources. Revenues are not affected.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	26,500	0	0	0	0
Net Effect	(\$26,500)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The circuit courts can comply with the bill’s requirements using existing resources. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A court may grant an absolute divorce on the following grounds:

- adultery;
- desertion, if the desertion is deliberate and final, has continued for 12 months without interruption, and there is no reasonable expectation of reconciliation;
- conviction of a felony or misdemeanor in any state or federal court, if the defendant has been sentenced to serve at least three years, or an indeterminate sentence, and has served 12 months of the sentence;
- 12-month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the divorce application;
- insanity, as specified; or
- cruelty of treatment or excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

Additionally, a court may grant an absolute divorce on the ground of mutual consent if:

- the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to (1) alimony; (2) the distribution of property, as specified; and (3) the care, custody, access, and support of minor or dependent children;
- the parties attach to the settlement agreement a completed child support guidelines worksheet if the settlement agreement provides for the payment of child support;
- neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and
- after reviewing the settlement agreement, the court is satisfied that any terms relating to minor or dependent children are in the best interests of those children.

If a court decrees an absolute divorce on the grounds of mutual consent, the court may (1) merge or incorporate the settlement agreement into the divorce decree and (2) modify or enforce the settlement agree consistent with statutory provisions.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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rh/lgc

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