## **HOUSE BILL 639**

2lr1934 **D**4 By: Delegate Atterbeary Introduced and read first time: January 31, 2022 Assigned to: Judiciary Committee Report: Favorable House action: Adopted Read second time: March 6, 2022 CHAPTER AN ACT concerning Family Law – Grounds for Divorce FOR the purpose of repealing the authority of the court to decree a limited divorce; altering certain grounds for an absolute divorce; and generally relating to divorce. BY repealing Article - Family Law Section 7-102 Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement) BY repealing and reenacting, with amendments, Article – Family Law Section 7–103 Annotated Code of Maryland (2019 Replacement Volume and 2021 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.The court may decree a limited divorce on the following grounds: (a)

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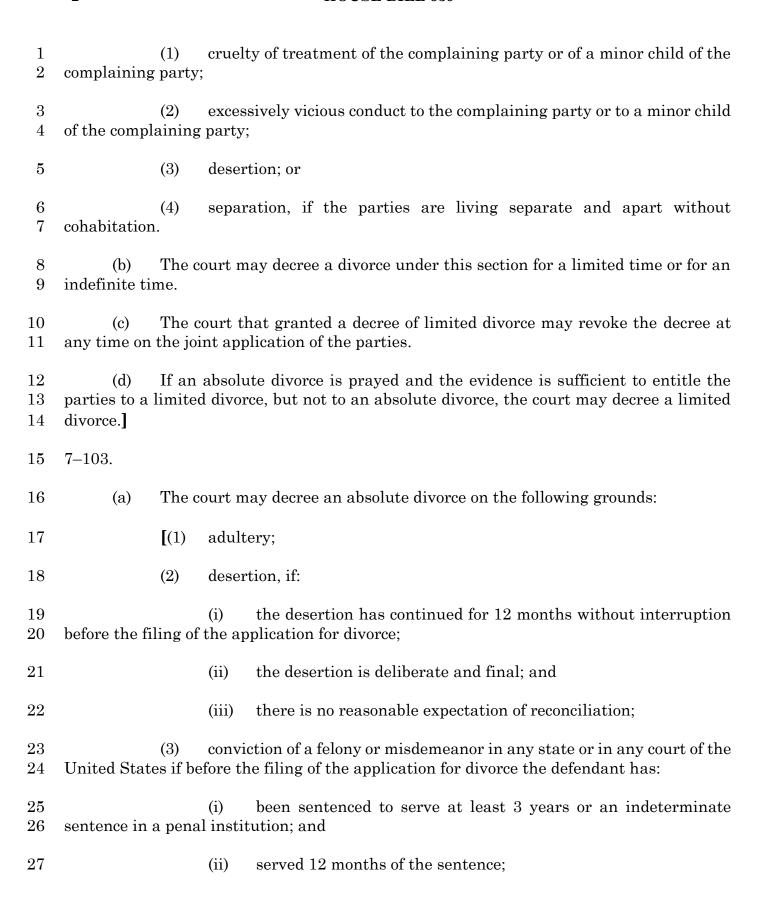
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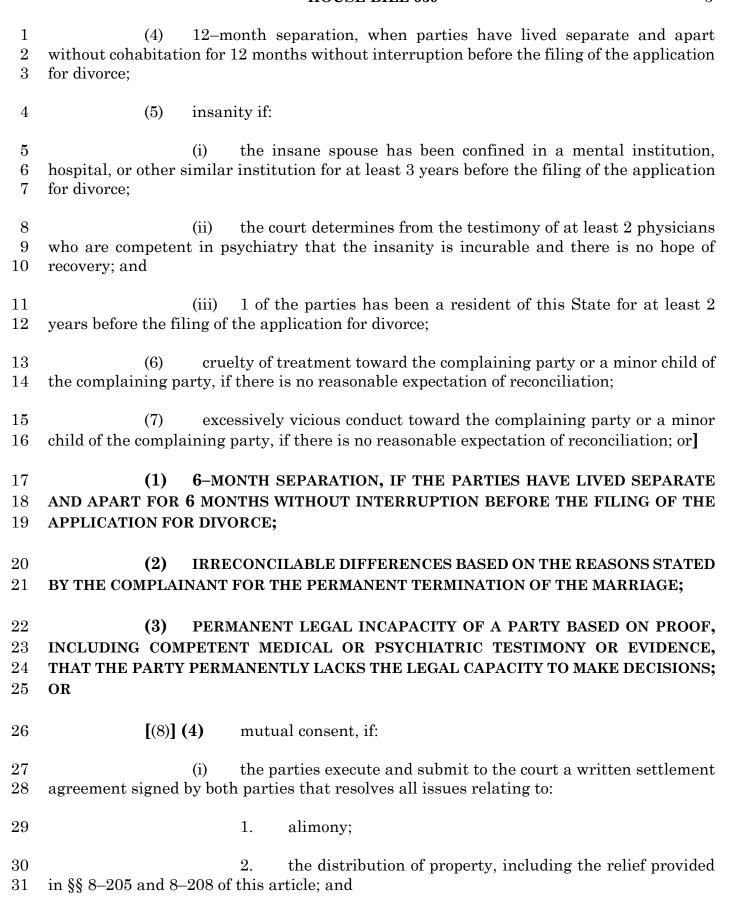
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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.





- 1 the care, custody, access, and support of minor or 3. 2 dependent children; 3 (ii) the parties attach to the settlement agreement a completed child support guidelines worksheet if the settlement agreement provides for the payment of child 4 support: 5 6 neither party files a pleading to set aside the settlement (iii) 7 agreement prior to the divorce hearing required under the Maryland Rules; and 8 after reviewing the settlement agreement, the court is satisfied 9 that any terms of the agreement relating to minor or dependent children are in the best 10 interests of those children. 11 (B) PARTIES WHO HAVE PURSUED SEPARATE LIVES SHALL BE DEEMED TO 12 HAVE LIVED SEPARATE AND APART FOR PURPOSES OF SUBSECTION (A)(1) OF THIS 13 SECTION EVEN IF: 14 **(1)** THE PARTIES RESIDE UNDER THE SAME ROOF; OR **(2)** THE SEPARATION IS IN ACCORDANCE WITH A COURT ORDER. 15 16 [(b)] **(C)** Recrimination is not a bar to either party obtaining an absolute divorce 17 on the grounds set forth in subsection (a)(1) through [(7)] (4) of this section[, but is a factor 18 to be considered by the court in a case involving the ground of adultery]. 19 [(c)] **(D)** Res judicata with respect to another ground under this section is not a 20 bar to either party obtaining an absolute divorce on the ground of [12-month] 6-MONTH 21separation. 22Condonation is not an absolute bar to a decree of an absolute divorce on the 23 ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed. 2425 A court may decree an absolute divorce even if a party has obtained a (e) 26 limited divorce. 27 If a party obtained a limited divorce on the ground of desertion that at 28the time of the decree did not meet the requirements of subsection (a)(2) of this section, the 29 party may obtain an absolute divorce on the ground of desertion when the desertion meets 30 the requirements of subsection (a)(2) of this section.
- If a court decrees an absolute divorce on the grounds of mutual consent under subsection [(a)(8)] (A)(4) of this section, the court may:

merge or incorporate the settlement agreement into the divorce decree;

(1)

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	President of the Senate.
	Speaker of the House of Delegates.
	Governor.
Approved:	
October 1, 2022.	
SECTION 2. AND BE IT FURTHER October 1, 2022.	R ENACTED, That this Act shall take effective
[(g)] <b>(F)</b> For purposes of subsection the application for divorce" includes an oral at of the other party at a hearing on the merits for limited <b>DIVORCE FILED BEFORE OCTO</b>	in open court to a previously filed application
(2) modify or enforce the se Subtitle 1 of this article.	ettlement agreement consistent with Title