Article - Family Law

§7–103.

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

(1) 6–month separation, if the parties have lived separate and apart for 6 months without interruption before the filing of the application for divorce;

(2) irreconcilable differences based on the reasons stated by the complainant for the permanent termination of the marriage; or

(3) mutual consent, if:

(i) 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, 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) 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.

(b) Parties who have pursued separate lives shall be deemed to have lived separate and apart for purposes of subsection (a)(1) of this section even if:

(1) the parties reside under the same roof; or

(2) the separation is in accordance with a court order.

(c) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (3) of this section.

(d) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 6–month separation.

(e) If a court decrees an absolute divorce on the grounds of mutual consent under subsection (a)(3) 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.

(f) For purposes of subsection (a)(1) 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 divorce filed before October 1, 2023, or absolute divorce.