

BILL NO: House Bill 80
TITLE: Family Law – Grounds for Divorce
COMMITTEE: Judiciary
HEARING DATE: January 23, 2020
POSITION: **SUPPORT**

House Bill 80 would change the definition of separation as a ground for divorce in our state. The Women's Law Center (WLC) supports House Bill 80 because it furthers efforts to simplify divorce in our state, and accurately reflects many people's reality.

HB 80 would modify the "separation" ground for absolute divorce to simply not having engaged in sexual relations for 12 months prior to filing. Currently, the definition of separation is having lived separate and apart without cohabitation. In an absolute divorce, the separation and non-cohabitation has to have been going on for 12 months prior to filing. Cohabitation is generally understood among the family law bar to mean sexual relations. *See Gordon v. Gordon*, 342 Md. 294 (1994) (cohabitation is generally understood as living as man and wife). So there are two current elements to separation. The change in HB 80 substitutes this two-part definition with merely not having engaged in sexual relations.

The change in HB 80 is helpful for families who are still living under the same roof, usually due to economic issues that prevent establishing a second household, but who seek to divorce on the no-fault separation ground. We are not sure what public policy was ever the reasoning behind a court knowing if people are or are not engaged in sexual relations, realizing that people have all sorts of life styles and agreements in place, maybe even some that make no sense to others. But be that as it may, this change will simplify divorce law in Maryland, use commonly understood language, and make it possible for some to seek divorce when before they may or may not have had the ability to do so. And, people in the same circumstances will not get a different result depending on what judge or magistrate they appear before.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 80.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.