
To: Members of The House Judiciary Committee

From: Family & Juvenile Law Section Council (FJLSC)
by Ilene Glickman, Esquire and Daniel Renart, Esquire

Date: January 14, 2021

Subject: **House Bill 243:**
Family Law – Grounds

Position: **SUPPORT**

The Maryland State Bar Association (MSBA) FJLSC **supports House Bill 243 – Family Law - Grounds.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

Under current law, absent a comprehensive agreement (mutual consent set forth in Md. Fam Law §7-103(8)) except in the case of adultery (Md. Fam. Law §7-103(1)), cruelty of treatment (Md. Fam. Law §7-103(6)) and excessive vicious conduct (Md. Fam Law §7-103(7)), married persons residing together cannot obtain an absolute divorce. The grounds of 12-month separation (Md. Fam. Law §7-103(4) and desertion (Md. Fam Law §7-103(2)) require a 12 month physical separation. Similarly, except in very limited circumstances, married persons residing together cannot obtain a limited divorce. Many Marylanders simple do not have the financial resources to establish two homes. Thus under current law too many Maryland citizens are forced to remain in marriages that are effectively over. Such persons are not able to receive much needed relief. House Bill 243 corrects this by adding to the grounds for limited divorce, “Irreconcilable Differences”. The bill also reduced the separation period for an absolute divorce based on the

separation from 12 months to 6 months and allows for a person who filed for a limited divorce based on irreconcilable differences to obtain an absolute divorce after a 6 month waiting period.

The FJLSC supports this bill for the following reasons:

1. The bill provides needed relief to the too many Maryland citizens forced to remain in marriages that are effectively over.
2. Many other states do not require a waiting period or physical separation in order to be divorced.
3. The bill addresses the concerns raised by FJLSC raised in response to HB 80 as initially introduced in 2020.

For the reason(s) stated above, the MSBA FJLSC **supports House Bill 243 and urges a favorable committee report.**

Should you have any questions, please contact Ilene Glickman by e-mail at Ilene@lawhj.com or by telephone at (410) 821-8718 or Michelle Smith at msmith@lawannaplois.com.