

HB 639 FAV House of Ruth cross.pdf

Uploaded by: Dorothy Lennig

Position: FAV



Marjorie Cook Foundation
Domestic Violence Legal Clinic
2201 Argonne Drive • Baltimore, Maryland 21218 • 410-554-8463 • dlennig@hruthmd.org

TESTIMONY IN SUPPORT OF HOUSE BILL 639

March 24, 2022

DOROTHY J. LENNIG, LEGAL CLINIC DIRECTOR

House of Ruth Maryland is a non-profit organization providing shelter, counseling, and legal services to victims of domestic violence throughout the State of Maryland. House of Ruth has offices in Baltimore City, Prince George’s County, Montgomery County, and Baltimore County. House Bill 639 would eliminate the current time that most spouses have to wait before being eligible for a divorce and it enables parties to obtain a divorce even if they continue to reside in the same house. **We urge the Senate Judicial Proceedings Committee to issue a favorable report on House Bill 639.**

Under current law, most spouses who wish to apply for a divorce must live separate and apart for at least one year. Although there are grounds which enable parties to apply for divorce sooner, such as cruelty of treatment, excessively vicious conduct, and adultery, many self-represented litigants do not understand when and how to plead these grounds or how to prove them. For those parties who have no option other than to proceed on grounds of one-year separation, they must live in separate residences to qualify. This can be onerous for parties who do not have the financial means to afford separate residences or the ability to stay with family members, a problem which has been exacerbated by the impacts of the Covid-19 pandemic.

House Bill 639 would simplify the grounds for divorce, enabling parties to obtain a divorce based on having “irreconcilable differences.” In the event the parties could not prove irreconcilable differences, HB 639 would reduce the waiting time for a divorce to six months. House of Ruth believes it is important that individuals be able to obtain an expeditious divorce regardless of the circumstances that led to the demise of the marriage. Particularly in cases involving intimate partner violence, a complex and drawn out divorce process can place domestic violence victims in ongoing danger and delay their ability to live safe, independent lives.

HB 639 also enables parties to obtain a divorce even if they continue to reside in the same house. As previously mentioned, it can be burdensome, if not impossible, for low income parties to separate their households, leaving them stuck in the marriage under current law. HB 639 will make it possible for parties whose marriage has come to end, but who cannot afford separate living arrangements, to obtain a divorce.

The House of Ruth urges the Senate Judicial Proceedings Committee to issue a favorable report on House Bill 639.

HB 639 - cross over hearing - Family Law - Grounds

Uploaded by: Laure Ruth

Position: FAV

BILL NO: House Bill 639 – Cross over hearing
TITLE: Family Law – Grounds for Divorce
COMMITTEE: Judicial Proceedings
HEARING DATE: March 24, 2022
POSITION: **SUPPORT**

House Bill 639 would provide the overdue and much needed update to grounds for divorce in Maryland. The Women’s Law Center (WLC) supports House Bill 639 as it would more accurately reflect many peoples’ reality and would allow for faster resolution of divorce cases, which would benefit Marylanders.

Currently, in Maryland there are two types of divorce, limited and absolute. Limited divorce is used most often as a strategy to get into court when grounds for absolute divorce are not able to be pled. HB 639 would eliminate limited divorce all together, and update the grounds for absolute divorce. The number of cases that actually resolve after a limited divorce are very, very small. Even the courts are aware that limited divorce is not the end game in the virtually all cases pleading for a limited divorce. This is reflected in the courts’ Differentiated Case Management plans (DCMs), which ironically have a much longer resolution period for limited than absolute divorce cases, two years versus one year – virtually every single limited divorce case goes on to become absolute divorce. So it is used as stepping stone to absolute divorce.

HB 639 would clean up long outdated grounds for absolute divorce in Maryland, and offer a simpler path forward for Maryland citizens who want to divorce. There is no public policy reason existing today that requires the grounds for divorce to create a long and drawn out system before finality can be reached and a new way forward can begin. Our existing grounds for divorce are a relic of the past. Perhaps the best part of the HB 639 is the creation of a way to stay in the same household while still moving towards divorce. We already do this in the “mutual consent to divorce” ground that was created several years ago, thankfully, and society has not crashed and burned because of it. HB 639 would allow for divorce after separation of 6 months, rather than 12, and defines that separation can occur despite the parties still living in the same house, if certain facts are proven, This is many Maryland citizens’ economic and other reality, and the law should reflect that.

For families who cannot reach agreement between themselves and thus use the mutual consent to divorce ground, HB 639 would allow them to access the resources the court provides, assisting them to resolve issues and move forward. This is especially important in cases where there is an uneven power dynamic, such as cases where there has been intimate partner violence or power and control. If the party cannot prove “irreconcilable differences” (a ground used in many other states), they can still move forward 6 months after separation (as defined in the bill) occurs. And they can still use mutual consent to divorce if they are able to come to agreement.

There have been small, incremental efforts over the years to update our grounds for divorce, but HB 639 is a true necessity in family law in Maryland today.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on House Bill 243.

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.

HB 639_MNADV_FAV_JPR.pdf

Uploaded by: Melanie Shapiro

Position: FAV



BILL NO: House Bill 639
TITLE: Family Law - Grounds for Divorce
COMMITTEE: Judicial Proceedings
HEARING DATE: March 24, 2022
POSITION: **SUPPORT**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue a favorable report on HB 639.**

House Bill 639 revises and simplifies the existing grounds for divorce to enable parties to obtain a divorce on the grounds that they have lived separate and apart for 6 months, have irreconcilable differences, or on the grounds of permanent legal incapacity. MNADV supports HB 639 because parties who wish to be able to divorce should be able to do expeditiously. For cases involving domestic violence this will enable a victim to divorce more easily and enables them to begin the process of establishing a new life apart from their abuser and hopefully achieve safety.

House Bill 639 also allows parties to reside together while going through the divorce process. Living separate and apart is not feasible for many parties, especially lower income parties. Many victims of domestic violence lack the financial resources to live separately. This change in law will allow those that seek to divorce a pathway to do so and not be prevented by a lack of financial resources.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges a favorable report on HB 639.**

HB 639_FJLSC_fav Crossover.pdf

Uploaded by: Michelle Smith

Position: FAV

To: Members of The Senate Judicial Proceedings Committee

From: Family & Juvenile Law Section Council (FJLSC)

Date: March 24, 2022 Crossover Hearing

Subject: **House Bill 639:**
Family Law – Grounds for Divorce

Position: **FAVORABLE**

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

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 irretrievably broken. Many Maryland family law practitioners have shared stories of the harm to clients and their families as a result of the inability to access the Courts for much needed relief as

a result of the waiting period/physical separation requirement. This Bill offers welcome relief for Maryland families and family law practitioners. House Bill 639 would allow married persons to obtain an absolute divorce more expeditiously and with less financial repercussions. Proposed Law §7-103(1) eliminates the rarely used and often confusing version of “limited” divorce and authorizes an absolute divorce in the following circumstances:

1. after a 6-month separation if the parties have lived separate and apart for 6 months without interruption;
2. upon the allegation of one party that there are irreconcilable differences between the parties upon which the marriage should be terminated;
3. the permanent legal incapacity of one party;
4. mutual consent if the parties have submitted a written agreement resolving all issues related to alimony, distribution of property, custody and child support for minor children

Only the first two grounds for divorce are new in this bill. To further codify case law which has developed over the years to clarify the concept of living “separate and apart”, section (B) of HB 639 makes it clear that even parties living under the same roof can be deemed, by a Judge, to have pursued separate lives and met the requirement to live separate and apart related to the 6 month separation ground.

These changes to the Divorce Grounds law will bring Maryland in line with many other states which allow for divorces based on irreconcilable differences or the irretrievable breakdown of a marriage as opposed to specific “fault” grounds such as adultery or cruelty of treatment. This will simply allow more persons in unhappy marriages immediate access to the court to begin the process of dissolving their marriages. In cases in which the facts of with whom the “fault” rests for the breakdown of the marriage bond is relevant to such claims as custody, alimony or monetary awards, those litigants will still be quite able to plead and argue those facts to the Court throughout the process.

HB 639 is a critical step toward streamlining the process by which Maryland citizens initiate divorce proceedings. For the reason(s) stated above, the MSBA FJLSC **supports House Bill 639 and urges a favorable committee report.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com.