
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HB 639 would clean up long outdated grounds for absolute divorce in Maryland, and offer a simpler path forward for Maryland citizens who want to divorce.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.