
BILL NO: Senate Bill 36
TITLE: Family Law – Grounds for Divorce
COMMITTEE: Judicial Proceedings
HEARING DATE: January 31, 2023
POSITION: **SUPPORT**

Senate Bill 36 would provide the overdue and much needed update to grounds for divorce in Maryland. The Women’s Law Center (WLC) supports Senate Bill 36 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 most often used as a strategy to get into court when grounds for absolute divorce are not able to be pled. SB 36 would eliminate limited divorce all together and would 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. It is almost entirely used as steppingstone to absolute divorce.

SB 36 would clean up long outdated grounds for absolute divorce in Maryland and offer a simpler path forward for Maryland citizens who want to divorce.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 SB 36 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. SB 36 would also allow for divorce after a 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, SB 36 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 a power and control dynamic. 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 an agreement.

There have been small, incremental efforts over the years to update our grounds for divorce, but SB 36 is a true necessity in family law in Maryland today.

Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 36.

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.