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Judicial Proceedings Committee



THE SENATE OF MARYLAND
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January 31st, 2023
Senate Judicial Proceedings Committee
The Honorable William C. Smith Jr.
2 East Miller Senate Building
Annapolis, MD, 21401

Re: Senate Bill – 36 – Family Law – Grounds for Divorce

Dear Chairman Smith and members of the Committee,

Under current law, most spouses applying for divorce must live separate and apart for at least one year. Although there are exceptions for parties to apply for divorce sooner, like cruelty of treatment, excessively vicious conduct, or adultery, many self-represented litigants do not understand how to plead these grounds or how to prove them. For those 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, problems exacerbated by Covid-19.

Senate Bill 36 would simplify the grounds for divorce, allowing parties to obtain a divorce based on having “irreconcilable differences.” In the event the parties cannot prove irreconcilable differences, SB36 would reduce the waiting time for a divorce to six months. Senate Bill 36 also enables parties to obtain a divorce even if they continue to reside in the same house, facilitating the process for low-income parties

It is important that individuals can 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 arduous divorce process can place domestic violence victims in ongoing danger and delay their ability to live safe, independent lives.

I appreciate the Committee’s consideration of Senate Bill 36 and will be happy to answer any questions the Committee may have.