

# HOUSE BILL 1319

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By: **Delegates Arikan, Hornberger, Krebs, Morgan, Shoemaker, Szeliga, and Wivell**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grounds for Divorce – Gender Transition**

3 FOR the purpose of adding gender transition of a spouse to the grounds for absolute divorce;  
4 and generally relating to the grounds for absolute divorce.

5 BY repealing and reenacting, with amendments,  
6 Article – Family Law  
7 Section 7–103(a)  
8 Annotated Code of Maryland  
9 (2019 Replacement Volume and 2021 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
11 That the Laws of Maryland read as follows:

### Article – Family Law

12 7–103.

14 (a) The court may decree an absolute divorce on the following grounds:

15 (1) adultery;

16 (2) desertion, if:

17 (i) the desertion has continued for 12 months without interruption  
18 before the filing of the application for divorce;

19 (ii) the desertion is deliberate and final; and

20 (iii) there is no reasonable expectation of reconciliation;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) conviction of a felony or misdemeanor in any state or in any court of the  
2 United States if before the filing of the application for divorce the defendant has:

3 (i) been sentenced to serve at least 3 years or an indeterminate  
4 sentence in a penal institution; and

5 (ii) served 12 months of the sentence;

6 (4) 12-month separation, when the parties have lived separate and apart  
7 without cohabitation for 12 months without interruption before the filing of the application  
8 for divorce;

9 (5) insanity if:

10 (i) the insane spouse has been confined in a mental institution,  
11 hospital, or other similar institution for at least 3 years before the filing of the application  
12 for divorce;

13 (ii) the court determines from the testimony of at least 2 physicians  
14 who are competent in psychiatry that the insanity is incurable and there is no hope of  
15 recovery; and

16 (iii) 1 of the parties has been a resident of this State for at least 2  
17 years before the filing of the application for divorce;

18 (6) cruelty of treatment toward the complaining party or a minor child of  
19 the complaining party, if there is no reasonable expectation of reconciliation;

20 (7) excessively vicious conduct toward the complaining party or a minor  
21 child of the complaining party, if there is no reasonable expectation of reconciliation; [or]

22 (8) mutual consent, if:

23 (i) the parties execute and submit to the court a written settlement  
24 agreement signed by both parties that resolves all issues relating to:

25 1. alimony;

26 2. the distribution of property, including the relief provided  
27 in §§ 8–205 and 8–208 of this article; and

28 3. the care, custody, access, and support of minor or  
29 dependent children;

1 (ii) the parties attach to the settlement agreement a completed child  
2 support guidelines worksheet if the settlement agreement provides for the payment of child  
3 support;

4 (iii) neither party files a pleading to set aside the settlement  
5 agreement prior to the divorce hearing required under the Maryland Rules; and

6 (iv) after reviewing the settlement agreement, the court is satisfied  
7 that any terms of the agreement relating to minor or dependent children are in the best  
8 interests of those children; **OR**

9 **(9) GENDER TRANSITION OF A PARTY, IF THE COMPLAINING PARTY**  
10 **PROVES THAT THE OTHER PARTY HAS TRANSITIONED OR IS IN THE PROCESS OF**  
11 **TRANSITIONING TO A GENDER THAT IS DIFFERENT FROM THE OTHER PARTY'S**  
12 **GENDER AT THE TIME OF MARRIAGE BY PRESENTING SUFFICIENT EVIDENCE THAT**  
13 **THE OTHER PARTY:**

14 **(I) SELF-IDENTIFIES AS A DIFFERENT GENDER THAN THE**  
15 **GENDER AT THE TIME OF MARRIAGE;**

16 **(II) HAS UNDERGONE GENDER CONFIRMATION SURGERY; OR**

17 **(III) HAS BEGUN A COURSE OF MEDICATION WITH THE INTENT TO**  
18 **TRANSITION TO A DIFFERENT GENDER.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2022.