

SENATE BILL 503

D4

3lr2544
CF HB 748

By: **Senator Zirkin**

Introduced and read first time: January 31, 2013

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2013

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Grounds for Divorce**

3 FOR the purpose of providing that for purposes of granting a limited or an absolute
4 divorce, parties ~~shall~~ may be considered to be living separate and apart without
5 cohabitation even if the parties share living expenses and a residence, as long as
6 the parties maintain separate bedrooms; establishing that certain third party
7 corroboration is not necessary under this Act; and generally relating to the
8 grounds for a limited or an absolute divorce.

9 BY repealing and reenacting, with amendments,
10 Article – Family Law
11 Section 7–102 and 7–103
12 Annotated Code of Maryland
13 (2012 Replacement Volume)

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

16 **Article – Family Law**

17 7–102.

18 (a) The court may decree a limited divorce on the following grounds:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) cruelty of treatment of the complaining party or of a minor child of
2 the complaining party;

3 (2) excessively vicious conduct to the complaining party or to a minor
4 child of the complaining party;

5 (3) desertion; or

6 (4) voluntary separation, if:

7 (i) the parties are living separate and apart without
8 cohabitation **IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION**; and

9 (ii) there is no reasonable expectation of reconciliation.

10 (b) As a condition precedent to granting a decree of limited divorce, the court
11 may:

12 (1) require the parties to participate in good faith in the efforts to
13 achieve reconciliation that the court prescribes; and

14 (2) assess the costs of any efforts to achieve reconciliation that the
15 court prescribes.

16 (c) The court may decree a divorce under this section for a limited time or for
17 an indefinite time.

18 (d) The court that granted a decree of limited divorce may revoke the decree
19 at any time on the joint application of the parties.

20 (e) If an absolute divorce is prayed and the evidence is sufficient to entitle
21 the parties to a limited divorce, but not to an absolute divorce, the court may decree a
22 limited divorce.

23 **(F) (1) FOR PURPOSES OF SUBSECTION (A)(4) OF THIS SECTION, THE**
24 **PARTIES ~~SHALL~~ MAY BE CONSIDERED TO BE LIVING SEPARATE AND APART**
25 **WITHOUT COHABITATION EVEN IF THE PARTIES SHARE LIVING EXPENSES AND A**
26 **RESIDENCE, AS LONG AS THE PARTIES MAINTAIN SEPARATE BEDROOMS.**

27 **(2) CORROBORATION BY A THIRD PARTY IS NOT NECESSARY TO**
28 **ESTABLISH, UNDER THIS SUBSECTION, THAT THE PARTIES MAINTAIN SEPARATE**
29 **BEDROOMS.**

30 7-103.

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

1 (1) adultery;

2 (2) desertion, if:

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

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

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

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

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

11 (ii) served 12 months of the sentence;

12 (4) 12-month separation, when the parties have lived separate and
13 apart without cohabitation, **IN ACCORDANCE WITH SUBSECTION (F) OF THIS**
14 **SECTION**, for 12 months without interruption before the filing of the application for
15 divorce;

16 (5) insanity if:

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

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

23 (iii) 1 of the parties has been a resident of this State for at least
24 2 years before the filing of the application for divorce;

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

27 (7) excessively vicious conduct toward the complaining party or a
28 minor child of the complaining party, if there is no reasonable expectation of
29 reconciliation.

1 (b) Recrimination is not a bar to either party obtaining an absolute divorce
 2 on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor
 3 to be considered by the court in a case involving the ground of adultery.

4 (c) Res judicata with respect to another ground under this section is not a
 5 bar to either party obtaining an absolute divorce on the ground of 12-month
 6 separation.

7 (d) Condonation is not an absolute bar to a decree of an absolute divorce on
 8 the ground of adultery, but is a factor to be considered by the court in determining
 9 whether the divorce should be decreed.

10 (e) (1) A court may decree an absolute divorce even if a party has
 11 obtained a limited divorce.

12 (2) If a party obtained a limited divorce on the ground of desertion
 13 that at the time of the decree did not meet the requirements of subsection (a)(2) of this
 14 section, the party may obtain an absolute divorce on the ground of desertion when the
 15 desertion meets the requirements of subsection (a)(2) of this section.

16 **(F) (1) FOR PURPOSES OF SUBSECTION (A)(4) OF THIS SECTION, THE**
 17 **PARTIES ~~SHALL~~ MAY BE CONSIDERED TO BE LIVING SEPARATE AND APART**
 18 **WITHOUT COHABITATION EVEN IF THE PARTIES SHARE LIVING EXPENSES AND A**
 19 **RESIDENCE, AS LONG AS THE PARTIES MAINTAIN SEPARATE BEDROOMS.**

20 **(2) CORROBORATION BY A THIRD PARTY IS NOT NECESSARY TO**
 21 **ESTABLISH, UNDER THIS SUBSECTION, THAT THE PARTIES MAINTAIN SEPARATE**
 22 **BEDROOMS.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 24 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.