

# SENATE BILL 709

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2lr1822

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By: **Senator Zirkin**

Introduced and read first time: February 3, 2012

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Grounds for Divorce**

3 FOR the purpose of altering a certain ground for limited divorce by authorizing a court  
4 to grant a limited divorce on the ground of a voluntary separation if there is no  
5 reasonable expectation of reconciliation; repealing as a prerequisite to the  
6 granting of a limited divorce on the ground of a voluntary separation the  
7 requirement that the parties are living separate and apart without  
8 cohabitation; altering a certain ground for absolute divorce by authorizing a  
9 court to grant an absolute divorce on the ground of a 12-month separation if  
10 there is no reasonable expectation of reconciliation; repealing as a prerequisite  
11 to the granting of an absolute divorce on the ground of a 12-month separation  
12 the requirement that the parties have lived separate and apart without  
13 cohabitation for a certain period of time; and generally relating to grounds for  
14 divorce.

15 BY repealing and reenacting, with amendments,  
16 Article – Family Law  
17 Section 7–102(a) and 7–103(a)  
18 Annotated Code of Maryland  
19 (2006 Replacement Volume and 2011 Supplement)

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

22 **Article – Family Law**

23 7–102.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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; and

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

10 7–103.

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

12 (1) adultery;

13 (2) desertion, if:

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

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

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

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

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

22 (ii) served 12 months of the sentence;

23 (4) 12–month separation, [when the parties have lived separate and  
24 apart without cohabitation for 12 months without interruption before the filing of the  
25 application for divorce] **IF THERE IS NO REASONABLE EXPECTATION OF**  
26 **RECONCILIATION;**

27 (5) insanity if:

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

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

7                   (iii)   1 of the parties has been a resident of this State for at least  
8 2 years before the filing of the application for divorce;

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

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

14                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2012.