

1 SB208
2 164862-2
3 By Senator Whatley
4 RFD: Judiciary
5 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, a divorce may not be
9 granted until 30 days after the filing of the
10 complaint for divorce.

11 This bill would require the court to grant a
12 divorce within 30 days of the filing of the
13 complaint for divorce.

14 Under existing law, a divorce may not be
15 granted until all issues of the marriage are
16 resolved, including, but not limited to, the
17 division of property and the determination of child
18 custody.

19 This bill would separate the granting of a
20 divorce from any issues of the marriage and would
21 allow the court to grant a divorce without hearing
22 and would allow the other marital issues to be
23 decided at a later date.

24 Under existing law, neither party to a
25 divorce may remarry, except to each other, within
26 60 days of the judgment granting the divorce.

1 This bill would provide that neither party
2 to a divorce may remarry, except to each other,
3 within 30 days of the judgment granting the
4 divorce.

5 Under existing law, if an appeal to a
6 divorce is made within 60 days of the judgment
7 being entered then neither party may remarry,
8 except to each other, during the pendency of the
9 appeal.

10 This bill would provide that if an appeal is
11 filed within 42 days of the divorce being granted
12 the appeal would apply only to the issues at trial
13 and would not stay the granting of the divorce.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Sections 30-2-8.1 and 30-2-10 of the Code
20 of Alabama 1975, relating to divorce; to allow the court to
21 grant a divorce within 30 days of the filing of the complaint;
22 to separate the granting of a divorce from any other marital
23 issues; to allow the divorce to be granted without hearing; to
24 provide that neither party to a divorce may remarry, except to
25 each other, within 30 days of the judgment granting the
26 divorce; and to provide that if an appeal is filed under

1 certain conditions the appeal would apply only to the issues
2 at trial and would not stay the granting of the divorce.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Sections 30-2-8.1 and 30-2-10 of the Code
5 of Alabama 1975, are amended to read as follows:

6 "§30-2-8.1.

7 "(a) (1) A court shall ~~not~~ enter a ~~final~~ judgment of
8 divorce ~~until after the expiration of~~ within 30 days ~~from~~ of
9 the date of the filing of the summons and complaint.

10 "(2) The judgment of divorce shall be in effect
11 prior to any hearing regarding the division of property,
12 determination of child custody, or other issues relating to
13 the marriage. The divorce shall be considered a separate
14 matter from the trial of the issues and shall be granted
15 without hearing.

16 "(3) The grounds for granting the judgment of
17 divorce shall be the irretrievable breakdown of the marriage;
18 however the court may amend its grounds in the final judgment
19 of divorce.

20 "(b) This section shall not restrict the power of
21 the court to enter any temporary orders necessary prior to the
22 expiration of the waiting period. The temporary orders may
23 include, but shall not be limited to, temporary orders on
24 custody, spousal or child support, visitation, exclusive
25 occupancy of the marital residence, or restraining the
26 parties.

27 "§30-2-10.

1 "(a) When a judgment has been entered granting a
2 divorce in this state, the court shall order that neither
3 party shall again marry, except to each other, until ~~60~~ 30
4 days after the judgment is entered, ~~and that if an appeal is~~
5 ~~taken within 60 days, neither party shall again marry, except~~
6 ~~to each other, during the pendency of the appeal.~~

7 "(b) If an appeal is filed within 42 days of the
8 divorce being granted the appeal shall apply only to the
9 issues at trial and may not stay the granting of the divorce."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.