



Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Brianne K. Nadeau
Councilmember, Ward 1

Statement of Introduction
Grounds for Divorce, Legal Separation and Annulment Amendment Act of 2023

January 18, 2023

Nyasha Smith, Secretary
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Dear Secretary Smith,

Today, along with Chairman Mendelson and Councilmembers Janeese Lewis George, Robert White, and Brooke Pinto, I am introducing the “Grounds for Divorce, Legal Separation and Annulment Amendment Act of 2023”.

This legislation eliminates the mandatory 6-month or 1-year divorce waiting periods that parties are required to show before a divorce is granted in the District of Columbia. These unnecessary and oppressive waiting periods are particularly harmful to survivors of domestic violence. Passage of this legislation would have the us join several jurisdictions in eliminating waiting periods for divorce proceedings.

Additionally, this bill allows a family court judge to factor in evidence of intrafamily offenses. When making a determination on alimony or property distribution, a family court judge currently considers factors such as the potential income of a party, or each party’s change in income as a result of the marriage. What is not often considered, however, is the impact of domestic violence on a family. The Centers for Disease Control estimates that the average financial impact of domestic violence over a victim’s lifetime is over \$100,000 for women and about \$23,000 for men.¹ This is a necessary change for an issue that is often overlooked in proceedings.

¹ <https://www.forbes.com/sites/ellevate/2019/05/24/understanding-the-financial-impact-of-domestic-violence/?sh=6ab3062c41d1>

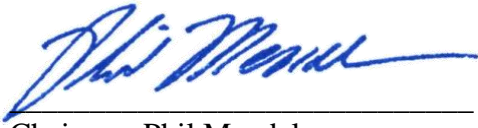
Finally, the bill would allow a family court judge to award exclusive use of the family home or dwelling while litigation is pending. Currently, the Court is explicitly permitted to make temporary determinations about certain issues while litigation is pending, including awarding temporary child support, alimony, and custody. Adding exclusive use of the family home or dwelling to the list of determinations the Court may make will reduce the burden on parties and give the Court the explicit ability to make this often-critical determination.

I look forward to working with my colleagues to advance this legislation and updating how divorce proceedings are conducted in the District.

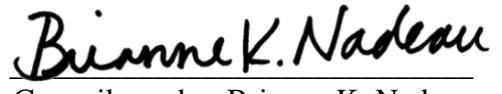
Sincerely,

A handwritten signature in black ink that reads "Brianne K. Nadeau". The signature is written in a cursive, flowing style.

Brianne K. Nadeau
Councilmember, Ward 1
Chairperson, Committee on Human Services



Chairman Phil Mendelson



Councilmember Brianne K. Nadeau



Councilmember Robert C. White, Jr.



Councilmember Janeese Lewis George



Councilmember Brooke Pinto

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

1 To amend Chapter 9 of Title 16 of the District of Columbia Official Code to remove waiting
2 periods for divorce, legal separation, and annulment, add evidence of an intrafamily offense
3 to the list of relevant factors the Family Court may consider in awarding alimony and
4 distributing marital property, and authorizing the Family Court to award exclusive use of
5 the family home as pendente life relief.
6

7 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
8 act may be cited as the “Grounds for Divorce, Legal Separation, and Annulment Amendment Act
9 of 2023”.

10 Sec. 2. Chapter 9 of Title 16 of the District of Columbia Official Code is amended as
11 follows:

12 (a) Section 16-904 is amended as follows:

13 (1) Subsection (a) is amended to read as follows:

14 “(a) A divorce from the bonds of marriage may be granted upon the assertion by one or
15 both parties that they no longer wish to remain married.”.

16 (2) Subsection (b) is amended to read as follows:

17 “(b) A legal separation from bed and board may be granted upon at least one spouse’s
18 assertion that they intend to pursue a separate life without obtaining a divorce.”.

19 (3) Subsection (c) is repealed:

20 (b) Section 16-910(b) is amended as follows:

21 (1) Paragraph (11) is amended by striking the phrase “; and” and inserting a
22 semicolon in its place.

23 (2) Paragraph (12) is amended by striking the period and inserting the phrase “;
24 and” in its place.

25 (3) A new paragraph (13) is added to read as follows:

26 “(13) evidence of an intrafamily offense as defined in §16-1001(8).”.

27 (c) Section 16-911(a) is amended as follows:

28 (1) Paragraph (4) is amended by striking the phrase “; and” and inserting a
29 semicolon in its place.

30 (2) Paragraph (5) is amended by striking the period and inserting the phrase “;
31 and” in its place.

32 (3) Paragraph (6) is amended by adding a new paragraph (6) to read as follows:

33 “(6) award exclusive use of the family home or any other dwelling unit which is
34 available for use as a residence pendente lite to either of the parties as is just and equitable
35 without regard to the respective interests of the parties in the property.”.

36 (d) Section 16-913(d) is amended as follows:

37 (1) Paragraph (8) is amended by striking the phrase “; and” and inserting a
38 semicolon in its place.

39 (2) Paragraph (9)(G) is amended by striking the period and inserting the phrase “;
40 and” in its place.

41 (3) A new paragraph (10) is added to read as follows:

42 “(10) The existence of evidence of an intrafamily offense as defined in § 16-
43 1001(8).”;

44 Sec. 3. Fiscal impact statement.

45 The Council adopts the fiscal impact statement in the committee report as the fiscal
46 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
47 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

48 Sec. 4. Effective date.

49 This act shall take effect following approval by the Mayor (or in the event of veto by the
50 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
51 provided in sections 602(c)(1) of the District of Columbia Home Rule Act, approved December
52 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
53 Columbia Register.