

# HOUSE BILL 1034

D4

8lr3208

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By: **Delegate Dumais**

Introduced and read first time: February 7, 2018

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Grounds for Divorce – Mutual Consent – Military Service Member**

3 FOR the purpose of authorizing a court to decree an absolute divorce on the grounds of  
4 mutual consent if the parties have at least one minor child in common and at least  
5 one party is an active member of the armed forces of the United States; requiring a  
6 certain written settlement agreement to resolve certain issues relating to minor  
7 children; and generally relating to grounds for divorce.

8 BY repealing and reenacting, with amendments,

9 Article – Family Law

10 Section 7–103(a)(8)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2017 Supplement)

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

15 **Article – Family Law**

16 7–103.

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

18 (8) mutual consent, if:

19 (i) **1.** the parties do not have any minor children in common; **OR**

20 **2. THE PARTIES HAVE AT LEAST ONE MINOR CHILD IN**  
21 **COMMON AND AT LEAST ONE PARTY IS AN ACTIVE MEMBER OF THE ARMED FORCES**  
22 **OF THE UNITED STATES;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) the parties execute and submit to the court a written settlement  
2 agreement signed by both parties that resolves all issues relating to:

3 1. alimony; [and]

4 2. the distribution of property, including the relief provided  
5 in §§ 8–205 and 8–208 of this article; **AND**

6 **3. THE CARE OF, CUSTODY OF, ACCESS TO, AND SUPPORT**  
7 **OF MINOR CHILDREN, IF ANY;**

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

10 (iv) both parties appear before the court at the absolute divorce  
11 hearing.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2018.