SENATE BILL 36

D4 3lr0668 HB 639/22 – JUD (PRE-FILED) **CF HB 14 Bv: Senator West** Requested: November 1, 2022 Introduced and read first time: January 11, 2023 Assigned to: Judicial Proceedings A BILL ENTITLED AN ACT concerning Family Law - Grounds for Divorce FOR the purpose of repealing the authority of a court to decree a limited divorce; altering certain grounds for an absolute divorce; and generally relating to divorce. BY repealing Article – Family Law Section 7–102 Annotated Code of Maryland (2019 Replacement Volume and 2022 Supplement) BY repealing and reenacting, with amendments, Article – Family Law Section 7-103 Annotated Code of Maryland (2019 Replacement Volume and 2022 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND. That the Laws of Maryland read as follows: Article - Family Law [7–102. The court may decree a limited divorce on the following grounds: (a) cruelty of treatment of the complaining party or of a minor child of the complaining party;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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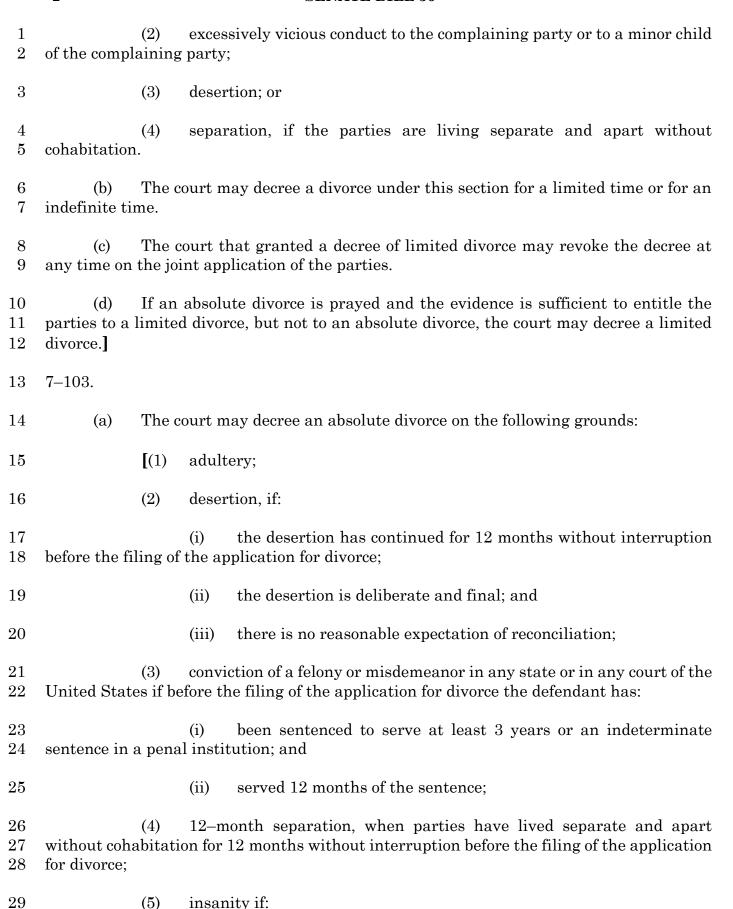
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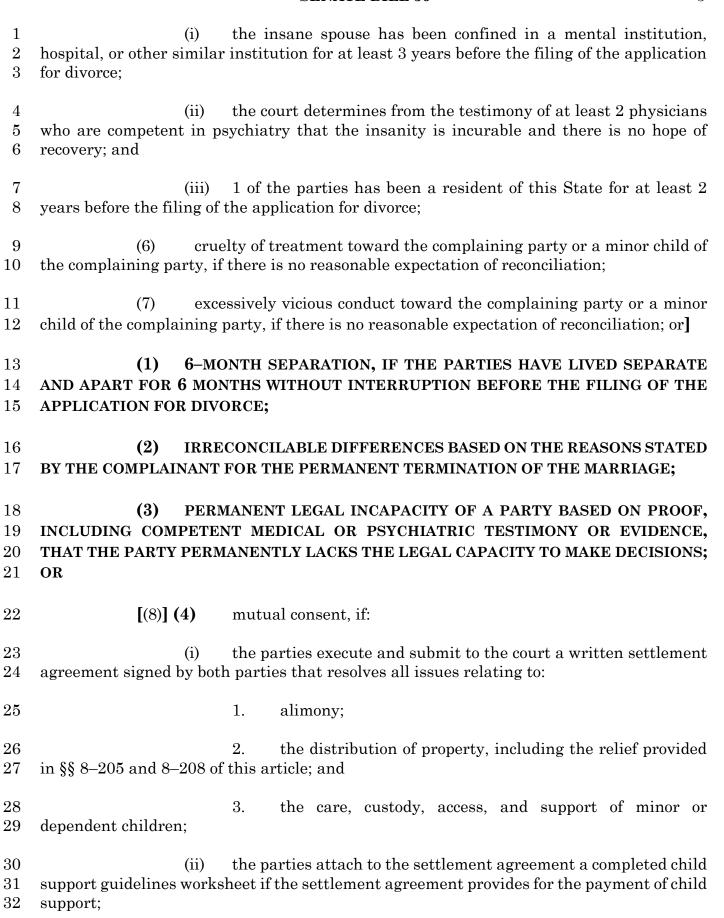
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- 1 (iii) neither party files a pleading to set aside the settlement 2 agreement prior to the divorce hearing required under the Maryland Rules; and
- 3 (iv) after reviewing the settlement agreement, the court is satisfied 4 that any terms of the agreement relating to minor or dependent children are in the best 5 interests of those children.
- 6 (B) PARTIES WHO HAVE PURSUED SEPARATE LIVES SHALL BE DEEMED TO 7 HAVE LIVED SEPARATE AND APART FOR PURPOSES OF SUBSECTION (A)(1) OF THIS 8 SECTION EVEN IF:
- 9 (1) THE PARTIES RESIDE UNDER THE SAME ROOF; OR
- 10 (2) THE SEPARATION IS IN ACCORDANCE WITH A COURT ORDER.
- [(b)] (C) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through [(7)] (4) of this section [, but is a factor to be considered by the court in a case involving the ground of adultery].
- [(c)] **(D)** Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of [12–month] **6–MONTH** separation.
- [(d) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.
- 20 (e) (1) A court may decree an absolute divorce even if a party has obtained a 21 limited divorce.
- 22 (2) If a party obtained a limited divorce on the ground of desertion that at 23 the time of the decree did not meet the requirements of subsection (a)(2) of this section, the 24 party may obtain an absolute divorce on the ground of desertion when the desertion meets 25 the requirements of subsection (a)(2) of this section.]
- [(f)] (E) If a court decrees an absolute divorce on the grounds of mutual consent under subsection [(a)(8)] (A)(4) of this section, the court may:
- 28 (1) merge or incorporate the settlement agreement into the divorce decree; 29 and
- 30 (2) modify or enforce the settlement agreement consistent with Title 8, 31 Subtitle 1 of this article.
- [(g)] (F) For purposes of subsection [(a)(4)] (A)(1) of this section, the "filing of the application for divorce" includes an oral amendment made by a party with the consent

- 1 of the other party at a hearing on the merits in open court to a previously filed application
- 2 for limited **DIVORCE FILED BEFORE OCTOBER 1, 2023,** or absolute divorce.
- 3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 4 October 1, 2023.