

**Department of Legislative Services**  
Maryland General Assembly  
2013 Session

**FISCAL AND POLICY NOTE**

Senate Bill 104 (Senators Brochin and Zirkin)  
Judicial Proceedings

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**Family Law - Grounds for Absolute Divorce - Time Requirements**

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This bill reduces, from 12 months to 6 months, the required period of time the parties must have lived separate and apart without cohabitation and without interruption before filing an application for absolute divorce on the ground of separation.

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**Fiscal Summary**

**State Effect:** The bill's changes do not materially affect the workload of the Judiciary.

**Local Effect:** The bill's changes do not materially affect the workload for the circuit courts.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A court may grant an absolute divorce on the following grounds:

- adultery;
- desertion, if the desertion is deliberate and final, has continued for 12 months without interruption, and there is no reasonable expectation of reconciliation;
- conviction of a felony or misdemeanor in any state or federal court, if the defendant has been sentenced to serve at least three years, or an indeterminate sentence, and has served 12 months of the sentence;

- 12-month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the divorce application;
- insanity, under specified circumstances; or
- cruelty of treatment or excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

**Background:** Chapters 423 and 424 of 2011 (SB 139/HB 402) reduced, from two years to 12 months, the required period of time that parties must have lived separate and apart without cohabitation and interruption before filing for an absolute divorce on the ground of separation. Those acts also repealed the ground of voluntary separation, which had required a 12-month period of separation before filing for an absolute divorce. Some surrounding jurisdictions also authorize divorces based on a six-month period of separation in specified circumstances. For example, the District of Columbia requires a six-month period for voluntary separation; otherwise, one year is required. Virginia requires a six-month separation if parties have a separation agreement and no minor children; otherwise, one year is required.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Annotated Code of Virginia, District of Columbia Official Code, Department of Legislative Services

**Fiscal Note History:** First Reader - January 24, 2013  
ncs/kdm

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