

SENATE BILL 363

D4

4lr1547

By: **Senator Zirkin**

Introduced and read first time: January 22, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Family Law – Grounds for Divorce – ~~Valid Separation~~ Settlement Agreement**

3 FOR the purpose of authorizing a court to grant ~~a limited or an~~ absolute divorce on the
4 ground of the execution of a ~~valid separation~~ settlement agreement that
5 resolves certain ~~rights and obligations of the parties~~ issues; and generally
6 relating to the grounds for ~~a limited or an~~ absolute divorce.

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section ~~7-102(a)~~ and 7-103(a)
10 Annotated Code of Maryland
11 (2012 Replacement Volume and 2013 Supplement)

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

14 **Article – Family Law**

15 ~~7-102.~~

16 ~~(a) The court may decree a limited divorce on the following grounds:~~

17 ~~(1) cruelty of treatment of the complaining party or of a minor child of~~
18 ~~the complaining party;~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~(2) excessively vicious conduct to the complaining party or to a minor~~
 2 ~~child of the complaining party;~~

3 ~~(3) desertion, [or]~~

4 ~~(4) voluntary separation, if:~~

5 ~~(i) the parties are living separate and apart without~~
 6 ~~cohabitation; and~~

7 ~~(ii) there is no reasonable expectation of reconciliation; OR~~

8 ~~(5) THE EXECUTION OF A VALID SEPARATION AGREEMENT THAT~~
 9 ~~RESOLVES ALL ISSUES RELATING TO:~~

10 ~~(I) ALIMONY, SPOUSAL SUPPORT, AND PROPERTY RIGHTS;~~

11 ~~(II) CARE, CUSTODY, SUPPORT, AND EDUCATION OF MINOR~~
 12 ~~OR DEPENDENT CHILDREN; AND~~

13 ~~(III) ALL OTHER RIGHTS AND OBLIGATIONS ARISING FROM~~
 14 ~~THE MARRIAGE.~~

15 7-103.

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

17 (1) adultery;

18 (2) desertion, if:

19 (i) the desertion has continued for 12 months without
 20 interruption before the filing of the application for divorce;

21 (ii) the desertion is deliberate and final; and

22 (iii) there is no reasonable expectation of reconciliation;

23 (3) conviction of a felony or misdemeanor in any state or in any court
 24 of the United States if before the filing of the application for divorce the defendant has:

25 (i) been sentenced to serve at least 3 years or an indeterminate
 26 sentence in a penal institution; and

27 (ii) served 12 months of the sentence;

1 (4) 12-month separation, when the parties have lived separate and
2 apart without cohabitation for 12 months without interruption before the filing of the
3 application for divorce;

4 (5) insanity if:

5 (i) the insane spouse has been confined in a mental institution,
6 hospital, or other similar institution for at least 3 years before the filing of the
7 application for divorce;

8 (ii) the court determines from the testimony of at least 2
9 physicians who are competent in psychiatry that the insanity is incurable and there is
10 no hope of recovery; and

11 (iii) 1 of the parties has been a resident of this State for at least
12 2 years before the filing of the application for divorce;

13 (6) cruelty of treatment toward the complaining party or a minor child
14 of the complaining party, if there is no reasonable expectation of reconciliation; [or]

15 (7) excessively vicious conduct toward the complaining party or a
16 minor child of the complaining party, if there is no reasonable expectation of
17 reconciliation; **OR**

18 **(8) THE EXECUTION OF A ~~VALID SEPARATION~~ SETTLEMENT**
19 **AGREEMENT THAT RESOLVES ALL ISSUES RELATING TO:**

20 **(I) ~~ALIMONY, SPOUSAL SUPPORT,~~ AND PROPERTY RIGHTS;**

21 **(II) CARE, CUSTODY, AND SUPPORT, ~~AND EDUCATION~~ OF**
22 **MINOR OR DEPENDENT CHILDREN; AND**

23 **(III) ALL OTHER ~~RIGHTS AND OBLIGATIONS~~ RELIEF**
24 **AUTHORIZED UNDER THE CODE ARISING FROM THE MARRIAGE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2014.