

BILL NO: House Bill 243
TITLE: Family Law – Grounds for Divorce
COMMITTEE: Judicial Proceedings
HEARING DATE: March 17, 2020
POSITION: **SUPPORT**

House Bill 243 would change the definition of separation as a ground for limited or absolute divorce in our state. The Women's Law Center (WLC) supports House Bill 243 would more accurately reflect many peoples' reality and would allow for faster resolution of divorce cases, which would benefit Marylanders.

Currently, the definition of separation is having lived separate and apart without cohabitation for 12 months prior to filing. Cohabitation is generally understood among the family law bar to mean sexual relations. *See Gordon v. Gordon*, 342 Md. 294 (1994) (cohabitation is generally understood as living as man and wife). HB 243 would reduce the period of required separation before someone can file for divorce from 12 months to 6 months. Additionally, HB 243 would make explicit that parties can file for a limited divorce while still living under the same roof¹, and thereafter modify to an absolute divorce, should a party so desire, 6 months after filing for the limited divorce.

The change in HB 243 is helpful for families who are still living under the same roof, usually due to economic issues that prevent establishing a second household, but who seek to divorce on a no-fault separation ground. And, for some people, they can't physically separate into separate abodes until they get assistance and resolution from the court, which under current law leaves them in a limbo state, unable to move towards finality. During this period of time, frustrations can mount. The proposed change will simplify divorce law in Maryland, use commonly understood language, and make it possible for some to seek divorce when before they may or may not have had the ability to do so. And, people in the same circumstances will not get a different result on their ground for divorce depending on what judge or magistrate they appear before.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 243.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

¹ *Ricketts v. Ricketts*, 393 Md. 479 (2006) held that in certain circumstances a party could seek a limited divorce while still residing in the same home as their spouse. Over time, some courts or judges have extended this to absolute divorce as well or otherwise broadened the use of *Ricketts*. This creates an uneven application of *Ricketts*.