

## Article - Family Law

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§7–103.

- (a) The court may decree an absolute divorce on the following grounds:
- (1) adultery;
  - (2) desertion, if:
    - (i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;
    - (ii) the desertion is deliberate and final; and
    - (iii) there is no reasonable expectation of reconciliation;
  - (3) voluntary separation, if:
    - (i) the parties voluntarily have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce; and
    - (ii) there is no reasonable expectation of reconciliation;
  - (4) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:
    - (i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and
    - (ii) served 12 months of the sentence;
  - (5) 2-year separation, when the parties have lived separate and apart without cohabitation for 2 years without interruption before the filing of the application for divorce;
  - (6) insanity if:
    - (i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;
    - (ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and
    - (iii) 1 of the parties has been a resident of this State for at least 2

years before the filing of the application for divorce;

(7) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

(8) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (8) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

(c) 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 2-year 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.

(e) (1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the desertion meets the requirements of subsection (a)(2) of this section.

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