

Preamble

WHEREAS, The Court of Special Appeals in Binder v. Binder, 16 Md. App. 404 (1972) held that the mistreatment of a child was not justification for taking the child and leaving the marital home in defending against a complaint of desertion of the marriage brought by the spouse who mistreated the child; and

WHEREAS, Neither the current statutes nor case law offers protection to the spouse in a divorce action who leaves the household due to child abuse by the other parent; and

WHEREAS, The General Assembly further believes that the abuse of a minor child should provide the nonabusing spouse with grounds for a limited divorce to provide both the nonabusing spouse and the family with the jurisdiction of the divorce courts to resolve support, property, and other issues relating to the family; now, therefore,

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

Article - Family Law

7-102.

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

(1) Cruelty of treatment OF THE COMPLAINING PARTY OR OF A MINOR CHILD OF THE COMPLAINING PARTY;

(2) Excessively vicious conduct TO THE COMPLAINING PARTY OR TO A MINOR CHILD OF THE COMPLAINING PARTY;

(3) Desertion; ~~-{or-}~~

~~{4}--ABUSE, AS DEFINED IN § 5-901 OF THIS ARTICLE,--OF A CHILD OF THE COMPLAINING PARTY EITHER PARTY TO THE ACTION;~~

~~-(4)-~~ (5) Voluntary separation, if:

(i) The parties are living separate and apart without cohabitation; and

(ii) There is no reasonable expectation of reconciliation.

7-103.

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

(1) Adultery;