

Date
5/16/73
5/24/73, p. 2

For
S. Judiciary
S. Third Reading

S.B. 348

Sens. Gillmor - O'Shaughnessy - Woodland

Creates a new cause upon which a divorce may be granted.

PURPOSE

To provide a ground for divorce where a couple is separated with no chance of reconciliation.

CONTENT AND OPERATION

The bill would allow a divorce to be granted when a husband and wife have lived separate and apart, without interruption or cohabitation, for one year when the court finds that such separation is beyond any possibility of reconciliation. The defenses of res judicata (a previous action by a court wherein a divorce had been refused to either of the parties) and recrimination (an act or acts by the party seeking the divorce, which would entitle the other party to a divorce) would not be available against this new cause for divorce while they ordinarily would be and are available to a party in a case brought on other grounds.

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