

DOMESTIC RELATIONS CODE (23 PA.C.S.) - GROUNDS FOR DIVORCE,
COUNSELING AND DECREE OF COURT

Act of Apr. 21, 2016, P.L. 166, No. 24

Cl. 23

Session of 2016

No. 2016-24

HB 12

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in preliminary provisions relating to divorce, further providing for definitions; and, in dissolution of marital status, further providing for grounds for divorce, for counseling and for decree of court.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3103 of Title 23 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 3103. Definitions.

The following words and phrases when used in this part shall have the meanings given to them in this section unless the context clearly indicates otherwise:

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"Convicted." Having been found guilty, having entered a plea of guilty or nolo contendere or having been accepted into Accelerated Rehabilitative Disposition.

* * *

"Personal injury crime." An act that constitutes a misdemeanor or felony under any of the following, or criminal attempt, solicitation or conspiracy to commit any of the following:

18 Pa.C.S. Ch. 25 (relating to criminal homicide).

18 Pa.C.S. Ch. 27 (relating to assault).

18 Pa.C.S. Ch. 29 (relating to kidnapping).

18 Pa.C.S. Ch. 30 (relating to human trafficking).

18 Pa.C.S. Ch. 31 (relating to sexual offenses).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. Ch. 37 (relating to robbery).

18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

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Section 2. Section 3301(c) of Title 23 is amended to read: § 3301. Grounds for divorce.

* * *

(c) Mutual consent.--

(1) The court may grant a divorce where it is alleged that the marriage is irretrievably broken and 90 days have elapsed from the date of commencement of an action under this part and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce.

(2) The consent of a party shall be presumed where that party has been convicted of committing a personal injury crime against the other party.

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Section 3. Section 3302 of Title 23 is amended by adding a subsection to read:

§ 3302. Counseling.

* * *

(g) Exception.--Notwithstanding any other provision of law, in no case may the court require counseling over the objection of a party that has a protection from abuse order, enforceable under Chapter 61 (relating to protection from abuse) against the other party, or where that party was the victim of a personal injury crime for which the other party was convicted or has entered into an Accelerated Rehabilitative Disposition program as a result of conduct for which the other party was a victim.

Section 4. Section 3323(g)(2) of Title 23 is amended to read:

§ 3323. Decree of court.

* * *

(g) Grounds established.--For purposes of subsections (c.1) and (d.1), grounds are established as follows:

* * *

(2) In the case of an action for divorce under section 3301(c), both parties have filed affidavits of consent or, if the presumption in section 3301(c)(2) is established, one party has filed an affidavit of consent.

* * *

Section 5. This act shall take effect in 60 days.

APPROVED--The 21st day of April, A.D. 2016.

TOM WOLF