

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 400 Session of  
1989

INTRODUCED BY REBER, KUKOVICH, LASHINGER, BUNT, ITKIN,  
E. Z. TAYLOR, MORRIS, CORNELL, PRESTON, ROBINSON, VEON AND  
SERAFINI, FEBRUARY 13, 1989

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 1989

AN ACT

1 Amending the act of April 2, 1980 (P.L.63, No.26), entitled "An  
2 act consolidating, revising and amending the divorce and  
3 annulment laws of the Commonwealth and making certain  
4 repeals," further providing for grounds for divorce.

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

7 Section 1. Section 201(d) of the act of April 2, 1980  
8 (P.L.63, No.26), known as the Divorce Code, amended February 12,  
9 1988 (P.L.66, No.13), is amended to read:

10 Section 201. Grounds for divorce.

11 \* \* \*

12 (d) (1) It shall be lawful for the court to grant a divorce  
13 where a complaint has been filed alleging that the marriage  
14 is irretrievably broken and an affidavit has been filed  
15 alleging that the parties have lived separate and apart for a  
16 period of at least [two years] one year, and that the  
17 marriage is irretrievably broken, and:

18 (i) the respondent does not deny the allegations set

1           forth in the affidavit; or

2           (ii) the respondent denies one or more of the  
3           allegations set forth in the affidavit, but after notice  
4           and hearing, the court determines that the parties have  
5           lived separate and apart for a period of at least [two  
6           years] one year and that the marriage is irretrievably  
7           broken.

8           (2) If a hearing has been held pursuant to paragraph  
9           (1)(ii), and the court determines that there is a reasonable  
10          prospect of reconciliation, then the court shall continue the  
11          matter for a period not less than 90 days nor more than 120  
12          days, unless the parties agree to a period in excess of 120  
13          days. During such period, the court shall require counseling  
14          as provided in section 202. If the parties have not  
15          reconciled at the expiration of the time period and one party  
16          states under oath that the marriage is irretrievably broken,  
17          the court shall determine whether the marriage is  
18          irretrievably broken. If the court determines that the  
19          marriage is irretrievably broken, the court shall grant the  
20          divorce. Otherwise, the court shall deny the divorce.

21          \* \* \*

22          Section 2. The provisions of this act shall apply to all  
23          cases, whether the cause for divorce arose prior or subsequent  
24          to the enactment of this act.

25          Section 3. This act shall take effect in 60 days.