

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3119 Session of  
1994

INTRODUCED BY PITTS, STEELMAN, BAKER, TIGUE, ROHRER, BROWN,  
MELIO, EGOLF, STERN, SATHER, CLYMER, DeLUCA, MERRY, RUBLEY,  
LYNCH, BIRMELIN AND COY, OCTOBER 4, 1994

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 4, 1994

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, establishing the judicial option of  
3 holding hearings in no-fault divorces.

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

6 Section 1. Section 3301 of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3301. Grounds for divorce.

9 (a) Fault.--The court may grant a divorce to the innocent  
10 and injured spouse whenever it is judged that the other spouse  
11 has:

12 (1) Committed willful and malicious desertion, and  
13 absence from the habitation of the injured and innocent  
14 spouse, without a reasonable cause, for the period of one or  
15 more years.

16 (2) Committed adultery.

17 (3) By cruel and barbarous treatment, endangered the  
18 life or health of the injured and innocent spouse.

1           (4) Knowingly entered into a bigamous marriage while a  
2 former marriage is still subsisting.

3           (5) Been sentenced to imprisonment for a term of two or  
4 more years upon conviction of having committed a crime.

5           (6) Offered such indignities to the innocent and injured  
6 spouse as to render that spouse's condition intolerable and  
7 life burdensome.

8       (b) Institutionalization.--The court may grant a divorce  
9 from a spouse upon the ground that insanity or serious mental  
10 disorder has resulted in confinement in a mental institution for  
11 at least 18 months immediately before the commencement of an  
12 action under this part and where there is no reasonable prospect  
13 that the spouse will be discharged from inpatient care during  
14 the 18 months subsequent to the commencement of the action. A  
15 presumption that no prospect of discharge exists shall be  
16 established by a certificate of the superintendent of the  
17 institution to that effect and which includes a supporting  
18 statement of a treating physician.

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

24       (d) Irretrievable breakdown.--

25           (1) The court may grant a divorce where a complaint has  
26 been filed alleging that the marriage is irretrievably broken  
27 and an affidavit has been filed alleging that the parties  
28 have lived separate and apart for a period of at least two  
29 years and that the marriage is irretrievably broken and the  
30 defendant either:

1           (i) Does not deny the allegations set forth in the  
2       affidavit.

3           (ii) Denies one or more of the allegations set forth  
4       in the affidavit but, after notice and hearing, the court  
5       determines that the parties have lived separate and apart  
6       for a period of at least two years and that the marriage  
7       is irretrievably 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 this period, the court shall require counseling  
14      as provided in section 3302 (relating to counseling). If the  
15      parties have not reconciled at the expiration of the time  
16      period and one party states under oath that the marriage is  
17      irretrievably broken, the court shall determine whether the  
18      marriage is irretrievably broken. If the court determines  
19      that the marriage is irretrievably broken, the court shall  
20      grant the divorce. Otherwise, the court shall deny the  
21      divorce.

22      [(e) No hearing required in certain cases.--If grounds for  
23      divorce alleged in the complaint or counterclaim are established  
24      under subsection (c) or (d), the court shall grant a divorce  
25      without requiring a hearing on any other grounds.]

26      Section 2. This act shall apply to all cases pending on or  
27      after the effective date of this act.

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