
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 380 Session of
2015

INTRODUCED BY TOOHL, PICKETT, COHEN, REGAN, KINSEY, MILLARD,
D. COSTA, CUTLER, STEPHENS, MACKENZIE, DAVIS, FREEMAN,
GERGELY, SCHLOSSBERG, VITALI, MARSHALL, GRELL, MULLERY,
A. HARRIS, M. DALEY, DeLUCA, NESBIT, KORTZ, DEAN, KAMPF,
WATSON, BRIGGS, KNOWLES, SIMS, DAWKINS, ENGLISH, TAYLOR AND
McCARTER, FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2015

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, in dissolution of marital status,
3 further providing for grounds for divorce.

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

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

8 § 3301. Grounds for divorce.

9 * * *

10 (d) Irretrievable breakdown.--

11 (1) The court may grant a divorce where a complaint has
12 been filed alleging that the marriage is irretrievably broken
13 and an affidavit has been filed alleging that the parties
14 have lived separate and apart for a period of at least [two
15 years] one year and that the marriage is irretrievably broken
16 and the 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] one year and that
7 the marriage is irretrievably broken.

8 (2) If a hearing has been held pursuant to paragraph (1)
9 (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 * * *

23 Section 2. The amendment of 23 Pa.C.S. § 3301(d) shall apply
24 to periods of living separate and apart that commence after the
25 effective date of this section.

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