

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

Act of Oct. 4, 2016, P.L. 865, No. 102

Cl. 23

Session of 2016
No. 2016-102

HB 380

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, in dissolution of marital status, further providing for grounds for divorce and for decree of court.

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

Section 1. Sections 3301(d) and 3323(c.1) and (g)(3) of Title 23 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3301. Grounds for divorce.

* * *

(d) Irretrievable breakdown.--

(1) The court may grant a divorce where a complaint has been filed alleging that the marriage is irretrievably broken and an affidavit has been filed alleging that the parties have lived separate and apart for a period of at least [two years] **one year** and that the marriage is irretrievably broken and the defendant either:

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

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

(2) If a hearing has been held pursuant to paragraph (1)(ii) and the court determines that there is a reasonable prospect of reconciliation, then the court shall continue the matter for a period not less than 90 days nor more than 120 days unless the parties agree to a period in excess of 120 days. During this period, the court shall require counseling as provided in section 3302 (relating to counseling). If the parties have not reconciled at the expiration of the time period and one party states under oath that the marriage is irretrievably broken, the court shall determine whether the marriage is irretrievably broken. If the court determines that the marriage is irretrievably broken, the court shall grant the divorce. Otherwise, the court shall deny the divorce.

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§ 3323. Decree of court.

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(c.1) Bifurcation.--With the consent of both parties, the court may enter a decree of divorce or annulment prior to the final determination and disposition of the matters provided for in subsection (b) **if the court determines that doing so provides sufficient economic protections for any minor children of the marriage**. In the absence of the consent of both parties, the court may enter a decree of divorce or annulment prior to the

final determination and disposition of the matters provided for in subsection (b) if:

(1) grounds have been established as provided in subsection (g); and

(2) the moving party has demonstrated that:

(i) compelling circumstances exist for the entry of the decree of divorce or annulment; and

(ii) sufficient economic protections have been provided for the other party **and any minor children of the marriage** during the pendency of the disposition of the matters provided for in subsection (b).

* * *

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

* * *

(3) In the case of an action for divorce under section 3301(d), an affidavit has been filed and no counter-affidavit has been filed or, if a counter-affidavit has been filed denying the affidavit's averments, the court determines that the marriage is irretrievably broken and the parties have lived separate and apart for at least [two years] **one year** at the time of the filing of the affidavit.

Section 2. The amendment of 23 Pa.C.S. §§ 3301(d) and 3323(g)(3) shall apply to periods of living separate and apart that commence after the effective date of this section.

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

APPROVED--The 4th day of October, A.D. 2016.

TOM WOLF