

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 380 Session of 2015

INTRODUCED BY TOOHIL, 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, McCARTER, MOUL, ROZZI, GINGRICH AND JOZWIAK, FEBRUARY 9, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, OCTOBER 28, 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 AND FOR DECREE OF <--
4 COURT.

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

7 Section 1. Sections 3301(d) and ~~3323(g)(3)~~ 3323(C.1) AND (G) <--
8 (3) of Title 23 of the Pennsylvania Consolidated Statutes are
9 amended to read:

10 § 3301. Grounds for divorce.

11 \* \* \*

12 (d) Irretrievable breakdown.--

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

1 years] one year and that the marriage is irretrievably broken  
2 and the defendant either:

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

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

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

24 \* \* \*

25 § 3323. Decree of court.

26 \* \* \*

27 (C.1) BIFURCATION.--WITH THE CONSENT OF BOTH PARTIES, THE <--  
28 COURT MAY ENTER A DECREE OF DIVORCE OR ANNULMENT PRIOR TO THE  
29 FINAL DETERMINATION AND DISPOSITION OF THE MATTERS PROVIDED FOR  
30 IN SUBSECTION (B) IF THE COURT DETERMINES THAT DOING SO PROVIDES

1 SUFFICIENT ECONOMIC PROTECTIONS FOR ANY MINOR CHILDREN OF THE  
2 MARRIAGE. IN THE ABSENCE OF THE CONSENT OF BOTH PARTIES, THE  
3 COURT MAY ENTER A DECREE OF DIVORCE OR ANNULMENT PRIOR TO THE  
4 FINAL DETERMINATION AND DISPOSITION OF THE MATTERS PROVIDED FOR  
5 IN SUBSECTION (B) IF:

6 (1) GROUNDS HAVE BEEN ESTABLISHED AS PROVIDED IN  
7 SUBSECTION (G); AND

8 (2) THE MOVING PARTY HAS DEMONSTRATED THAT:

9 (I) COMPELLING CIRCUMSTANCES EXIST FOR THE ENTRY OF  
10 THE DECREE OF DIVORCE OR ANNULMENT; AND

11 (II) SUFFICIENT ECONOMIC PROTECTIONS HAVE BEEN  
12 PROVIDED FOR THE OTHER PARTY AND ANY MINOR CHILDREN OF  
13 THE MARRIAGE DURING THE PENDENCY OF THE DISPOSITION OF  
14 THE MATTERS PROVIDED FOR IN SUBSECTION (B).

15 \* \* \*

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

18 \* \* \*

19 (3) In the case of an action for divorce under section  
20 3301(d), an affidavit has been filed and no counter-affidavit  
21 has been filed or, if a counter-affidavit has been filed  
22 denying the affidavit's averments, the court determines that  
23 the marriage is irretrievably broken and the parties have  
24 lived separate and apart for at least [two years] one year at  
25 the time of the filing of the affidavit.

26 Section 2. The amendment of 23 Pa.C.S. §§ 3301(d) and  
27 3323(g) (3) shall apply to periods of living separate and apart  
28 that commence after the effective date of this section.

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