

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,
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.