

A PANORAMIC VIEW OF THE GROUNDS FOR DIVORCE IN THE UNITED STATES OF AMERICA AND EUROPE

ACADEMIC CHART

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INTRODUCTION

THE MAIN PURPOSE OF THIS PUBLICATION IS TO BRIEFLY DISCUSS THE COMMON grounds for divorce in the United States of America and the countries of the European continent. We begin by providing the reader with the main conceptual views of marriage and provide a brief summary of the evolution of divorce, from indissoluble marriage to unrestricted no-fault divorce, and finally the creation of the covenant marriage.

There was a time in which marriage could only be dissolved by death. However, with the evolution of the concept of marriage, there was no longer a place for indissoluble marriage. An increasing amount of individuals choose every day to regulate not only economic aspects of marriage but also the consequences of failing to comply with marital duties, including compliance requirements and grounds for divorce. “Historically, judicial opinions discussed marriage in purely public status terms, emphasizing public-policy-driven state regulation of the institution of marriage and focusing on the state’s role in preserving and protecting the marital relationship.”¹ Marriage is treated by modern conceptions as a quasi-contract or as a commercial partnership.² A 2003 article in the Harvard Law Review provides a befitting description of marriage by contract:

Marriage as contract focuses on individual choices and state en-

¹ *Marriage as Contract and Marriage as Partnership: The Future of Antenuptial Agreement Law*, 116 HARV. L. REV. 2075, 2076 (2002-2003).

² *Id.*

forcement of agreements between autonomous, self-interested parties, while the idea of marriage as partnership is that “spouses are partners who each make a set of meaningful, although perhaps different, contributions to the marital enterprise” and share equally in the marital estate because of these contributions.³

“Beginning in 1967 with *Loving v. Virginia*, the U.S. Supreme Court has consistently elaborated and reaffirmed a constitutional right to marry, thereby limiting states’ abilities to impose limits.”⁴ Thus, it would be reasonable to state that the concept of divorce has evolved over the years:

Prior to the 1960s — and in line with the then-dominant conception of marriage as public status — the majority of states provided certain exclusive grounds for the judicial grant of a divorce. Going back to 1905, New York’s divorce law was the most rigid, with adultery as the sole ground for divorce; “other states allowed a longer list of grounds such as bigamy, extreme or intolerable cruelty, conviction of a felony, habitual drunkenness, and willful desertion for a period of time.” This strict divorce law had two effects in practice. The first was migratory divorce Second, parties mutually seeking a divorce were able to comply with strict state divorce laws by fabricating the required conditions.⁵

Although marriage and family legislation from the twentieth century aimed to preserve and protect nuclear families,⁶ since the 1970s “most states have adopted . . . no-fault divorce legislation,”⁷ responding to the evolution and creation of a different concept of marriage. As part of this response, legislation has been enacted to allow covenant marriages:

The covenant marriage movement of the late 1990s grew out of widespread concern that no-fault divorce laws have threatened the institution of marriage. Covenant marriage sets stricter terms for both entering and exiting marriage, including

³ *Id.* at 2076-77 (footnote omitted) (quoting Alicia Brokars Kelly, *The Marital Partnership Pretense and Career Assets: The Ascendancy of Self over the Marital Community*, 81 B.U. L. REV. 59, 69 (2001)).

⁴ Laura Sánchez *et al.*, *Setting the Clock Forward or Back?: Covenant Marriage and the “Divorce Revolution”*, 23 J. FAM. ISSUES 91, 95 (2002).

⁵ Harvard Law Review Association, *supra* note 1, at 2087-88 (footnotes omitted) (quoting Herma Hill Kay, *From the Second Sex to the Joint Venture: An Overview of Women’s Rights and Family Law in the United States During the Twentieth Century*, 88 CALIF. L. REV. 2017, 2038-39 (2000)).

⁶ See Sánchez *et al.*, *supra* nota 4, at 95.

⁷ *Id.*

required premarital counseling; submission of a signed affidavit acknowledging that marriage is a lifetime commitment and that the partners have revealed everything about their personal histories that might adversely affect the marital relationship; agreement to an extended, monitored legal separation before divorce; and required marital counseling before a divorce could be granted. Covenant marriage allows only limited fault-based criteria for divorce, including substantiated infidelity, physical or sexual abuse, a felony conviction, or long-term abandonment.⁸

Louisiana was the first state to codify a new family form by passing covenant marriage legislation; this was soon followed by Arizona and Arkansas.⁹ These statutes created different marital and divorce provisions.¹⁰

⁸ *Id.*

⁹ *Id.* at page 91. See 1997 La. Acts 1380.

¹⁰ See Sánchez *et al.*, *supra* nota 4, at 91. The covenant marriage legislation was viewed as creating two different types of marriages, since it “permits the marrying and the married to reject or to modify the traditional marriage license in favor of a new version in which the couple declares a commitment to what the Act terms a *covenant marriage*.” Jeanne Louise Carriere, “*It’s Déjà Vu All Over Again*”: *The Covenant Marriage Act in Popular Cultural Perception and Legal Reality*, 72 TUL. L. REV. 1701, 1702 (1997-1998).

I. GROUNDS FOR DIVORCE IN THE UNITED STATES OF AMERICA

State	Reference	Cause	Type
Alabama	ALA. CODE § 30-2-1 (LexisNexis 1998).	<p>§ 30-2-1. <i>Grounds; generally.</i></p> <p>(a) The circuit court has power to divorce persons from the bonds of matrimony, upon a complaint filed by one of the parties, entitled “In re the marriage of and,” for the causes following:</p> <p>(1) In favor of either party, when the other was, at the time of the marriage physically and incurably incapacitated from entering into the marriage state.</p> <p>(2) For adultery.</p> <p>(3) For voluntary abandonment from bed and board for one year next preceding the filing of the complaint.</p> <p>(4) Imprisonment in the penitentiary of this or any other state for two years, the sentence being for seven years or longer.</p> <p>(5) The commission of the crime against nature, whether with mankind or beast, either before or after marriage.</p> <p>(6) For becoming addicted after marriage to habitual drunkenness or to habitual use of opium, morphine, cocaine, or other like drug.</p> <p>(7) Upon application of either the husband or wife, when the court is satisfied from all the testimony in the case that there exists such a complete incompatibility of temperament that the parties can no longer live together.</p> <p>(8) In favor of either party, when the other, after marriage, shall have been confined in a mental hospital for a period of five successive years, if such party from whom a divorce is sought is hopelessly and incurably insane at the time of the filing of the complaint; provided, however, that the superintendent of the mental hospital in which such person is confined shall make a certified statement, under oath, that it is his opinion and belief, after a complete and full study and examination of such person, that such person is hopelessly and incurably insane.</p> <p>(9) Upon application of either party, when the court finds there has been an irre-</p>	

trievable breakdown of the marriage and that further attempts at reconciliation are impractical or futile and not in the best interests of the parties or family.

(10) In favor of the husband, when the wife was pregnant at the time of marriage, without his knowledge or agency.

(11) In favor of either party to the marriage when the other has committed actual violence on his or her person, attended with danger to life or health, or when from his or her conduct there is reasonable apprehension of such violence.

(12) In favor of the wife when the wife has lived, or shall have lived separate and apart from the bed and board of the husband for two years and without support from him for two years next preceding the filing of the complaint, and she has bona fide resided in this state during that period.

(b) When a judgment of divorce is entered, in effect, it is awarded to both parties to the marriage.

Alaska

ALASKA STAT. § 25.24.050. *Grounds for divorce.*
§ 25.24.050
(2008).

A divorce may be granted for any of the following grounds:

- (1) failure to consummate the marriage at the time of the marriage and continuing at the commencement of the action;
- (2) adultery;
- (3) conviction of a felony;
- (4) wilful desertion for a period of one year;
- (5) either
 - (A) cruel and inhuman treatment calculated to impair health or endanger life;
 - (B) personal indignities rendering life burdensome; or
 - (C) incompatibility of temperament;
- (6) habitual gross drunkenness contracted since marriage and continuing for one year prior to the commencement of the action;

	<p>(7) [Repealed, § 68 ch 127 SLA 1974.]</p> <p>(8) incurable mental illness when the spouse has been confined to an institution for a period of at least 18 months immediately preceding the commencement of the action; the status as to the support and maintenance of the mentally ill person is not altered in any way by the granting of the divorce;</p> <p>(9) addiction of either party, subsequent to the marriage, to the habitual use of opium, morphine, cocaine, or a similar drug.</p>	
<p>Arizona</p>	<p>ARIZ. REV. STAT. § 25-312. <i>Dissolution of marriage; findings necessary</i></p> <p>ANN. §§ 25-312, 25-903 (2007).</p> <p>The court shall enter a decree of dissolution of marriage if it finds each of the following:</p> <ol style="list-style-type: none"> 1. That one of the parties, at the time the action was commenced, was domiciled in this state, or was stationed in this state while a member of the armed services, and that in either case the domicile or military presence has been maintained for ninety days prior to filing the petition for dissolution of marriage. 2. The conciliation provisions of § 25-381.09 and the provisions of article 5 of this chapter either do not apply or have been met. 3. The marriage is irretrievably broken or, if the marriage is a covenant marriage, any of the grounds prescribed in § 25-903. 4. To the extent it has jurisdiction to do so, the court has considered, approved and made provision for child custody, the support of any natural or adopted child common to the parties of the marriage entitled to support, the maintenance of either spouse and the disposition of property. 	<p>No-fault divorce Covenant marriage</p> <p>§ 25-903. <i>Dissolution of a covenant marriage; grounds</i></p> <p>Notwithstanding any law to the contrary, if a husband and wife have entered into a covenant marriage pursuant to this chapter the court shall not enter a decree of dissolution of marriage pursuant to chapter 3, article 2 of this title unless it finds any of the following:</p> <ol style="list-style-type: none"> 1. The respondent spouse has committed adultery. 2. The respondent spouse has committed a felony and has been sentenced to death or imprisonment in any federal, state, county or municipal correctional facility. 3. The respondent spouse has abandoned the matrimonial domicile for at least one year

before the petitioner filed for dissolution of marriage and refuses to return. A party may file a petition based on this ground by alleging that the respondent spouse has left the matrimonial domicile and is expected to remain absent for the required period. If the respondent spouse has not abandoned the matrimonial domicile for the required period at the time of the filing of the petition, the action shall not be dismissed for failure to state sufficient grounds and the action shall be stayed for the period of time remaining to meet the grounds based on abandonment, except that the court may enter and enforce temporary orders pursuant to § 25-315 during the time that the action is pending.

4. The respondent spouse has physically or sexually abused the spouse seeking the dissolution of marriage, a child, a relative of either spouse permanently living in the matrimonial domicile or has committed domestic violence as defined in § 13-3601 or emotional abuse.

5. The spouses have been living separate and apart continuously without reconciliation for at least two years before

the petitioner filed for dissolution of marriage. A party may file a petition based on this ground by alleging that it is expected that the parties will be living separate and apart for the required period. If the parties have not been separated for the required period at the time of the filing of the petition, the action shall not be dismissed for failure to state sufficient grounds and the action shall be stayed for the period of time remaining to meet the grounds based on separation, except that the court may enter and enforce temporary orders pursuant to § 25-315 during the time that the action is pending.

6. The spouses have been living separate and apart continuously without reconciliation for at least one year from the date the decree of legal separation was entered.

7. The respondent spouse has habitually abused drugs or alcohol.

8. The husband and wife both agree to a dissolution of marriage.

Covenant marriage

Arkansas ARK. CODE ANN. § 9-12-301. *Grounds for divorce.*

§§ 9-12-301, 9-11-808 (2009).

(a) A plaintiff who seeks to dissolve and set aside a covenant marriage shall state in his or her petition for divorce that he or she is seeking to dissolve a covenant

marriage as authorized under the Covenant Marriage Act of 2001, § 9-11-801 et seq.

- (b) The circuit court shall have power to dissolve and set aside a marriage contract, not only from bed and board, but from the bonds of matrimony, for the following causes:
- (1) When either party, at the time of the contract, was and still is impotent;
 - (2) When either party shall be convicted of a felony or other infamous crime;
 - (3) When either party shall:
 - (A) Be addicted to habitual drunkenness for one (1) year;
 - (B) Be guilty of such cruel and barbarous treatment as to endanger the life of the other; or
 - (C) Offer such indignities to the person of the other as shall render his or her condition intolerable;
 - (4) When either party shall have committed adultery subsequent to the marriage;
 - (5) When husband and wife have lived separate and apart from each other for eighteen (18) continuous months without cohabitation, the court shall grant an absolute decree of divorce at the suit of either party, whether the separation was the voluntary act of one (1) party or by the mutual consent of both parties or due to the fault of either party or both parties;
 - (6)(A) In all cases in which a husband and wife have lived separate and apart for three (3) consecutive years without cohabitation by reason of the incurable insanity of one (1) of them, the court shall grant a decree of absolute divorce upon the petition of the sane spouse if the proof shows that the insane spouse has been committed to an institution for the care and treatment of the insane for three (3) or more years prior to the filing of the suit, has been adjudged to be of unsound mind by a court of competent jurisdiction, and has not been discharged from such adjudication by the court and the proof of insanity is supported by the evidence of two (2) reputable physicians familiar with the mental condition of the spouse, one (1) of whom shall be a regularly practicing physician in the community wherein the spouse resided, and when the insane spouse has been confined in

an institution for the care and treatment of the insane, that the proof in the case is supported by the evidence of the superintendent or one (1) of the physicians of the institution wherein the insane spouse has been confined.

(B)(i) In all decrees granted under this subdivision (b)(6), the court shall require the plaintiff to provide for the care and maintenance of the insane defendant so long as he or she may live.

(ii) The trial court will retain jurisdiction of the parties and the cause from term to term for the purpose of making such further orders as equity may require to enforce the provisions of the decree requiring the plaintiff to furnish funds for such care and maintenance.

(C)(i) Service of process upon an insane spouse shall be had by service of process upon the duly appointed, qualified, and acting guardian of the insane spouse or upon a duly appointed guardian ad litem for the insane spouse, and when the insane spouse is confined in an institution for the care of the insane, upon the superintendent or physician in charge of the institution wherein the insane spouse is at the time confined.

(ii) However, when the insane spouse is not confined in an institution, service of process upon the duly appointed, qualified, and acting guardian of the insane spouse or duly appointed guardian ad litem and thereafter personal service or constructive service on an insane defendant by publication of warning order for four (4) weeks shall be sufficient; and

(7) When either spouse legally obligated to support the other, and having the ability to provide the other with the common necessities of life, willfully fails to do so.

§ 9-11-808. *Divorce or separation.*

(a) Notwithstanding any other law to the contrary and subsequent to the parties' obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of divorce only upon proof of any of the following:

(1) The other spouse has committed adultery;

(2) The other spouse has committed a felony or other infamous crime;

(3) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one (1) of the spouses;

(4) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years; or

(5)(A) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years from the date the judgment of judicial separation was signed; or

(B)(i) If there is a minor child or children of the marriage, the spouses have been living separate and apart continuously without reconciliation for a period of two (2) years and six (6) months from the date the judgment of judicial separation was signed.

(ii) However, if abuse of a child of the marriage or a child of one (1) of the spouses is the basis for which the judgment of judicial separation was obtained, then a judgment of divorce may be obtained if the spouses have been living separate and apart continuously without reconciliation for a period of one (1) year from the date the judgment of judicial separation was signed.

(b) Notwithstanding any other law to the contrary and subsequent to the parties' obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of judicial separation only upon proof of any of the following:

(1) The other spouse has committed adultery;

(2) The other spouse has committed a felony and has been sentenced to death or imprisonment;

(3) The other spouse has physically or sexually abused the spouse seeking the legal separation or divorce or a child of one (1) of the spouses;

(4) The spouses have been living separate and apart continuously without reconciliation for a period of two (2) years; or

(5) The other spouse shall:

(A) Be addicted to habitual drunkenness for one (1) year;

	<p>(B) Be guilty of such cruel and barbarous treatment as to endanger the life of the other; or</p> <p>(C) Offer such indignities to the person of the other as shall render his or her condition intolerable.</p>
<p>California</p>	<p>CAL. FAM. CODE § 2310. <i>Grounds for dissolution or legal separation</i> §§ 2310, 2311 (West 2004).</p> <p>Dissolution of the marriage or legal separation of the parties may be based on either of the following grounds, which shall be pleaded generally:</p> <p>(a) Irreconcilable differences, which have caused the irremediable breakdown of the marriage.</p> <p>(b) Incurable insanity.</p> <p>§ 2311. <i>Irreconcilable differences defined</i></p> <p>Irreconcilable differences are those grounds which are determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved.</p>
<p>Colorado</p>	<p>COLO. REV. STAT. § 14-10-106 (2009). § 14-10-106. <i>Dissolution of marriage - legal separation.</i> No-fault divorce</p> <p>(1)(a) The district court shall enter a decree of dissolution of marriage or a decree of legal separation when:</p> <p>(I) The court finds that one of the parties has been domiciled in this state for ninety-one days next preceding the commencement of the proceeding;</p> <p>(II) The court finds that the marriage is irretrievably broken; and</p> <p>(III) The court finds that ninety-one days or more have elapsed since it acquired jurisdiction over the respondent either as the result of process pursuant to rule 4 of the Colorado rules of civil procedure or as the result of the act of the respondent in joining as copetitioner in the petition or in entering an appearance in any other manner.</p> <p>(b) In connection with every decree of dissolution of marriage or decree of legal separation and to the extent of its jurisdiction to do so, the court shall consider, approve, or allocate parental responsibilities with respect to any child of the marriage, the support of any child of the marriage who is entitled to support, the maintenance of either spouse, and the disposition of property; but the entry of a decree with respect to pa-</p>

rental responsibilities, support, maintenance, or disposition of property may be deferred by the court until after the entry of the decree of dissolution of marriage or the decree of legal separation upon a finding that a deferral is in the best interests of the parties.

(c) In a proceeding to dissolve a marriage or in a proceeding for legal separation or in a proceeding for declaration of invalidity, the court is deemed to have made an adjudication of the parentage of a child of the marriage if the court acts under circumstances that satisfy the jurisdictional requirements of section 14-5-201 and the final order:

(I) Expressly identifies a child as a “child of the marriage”, “issue of the marriage”, or similar words indicating that the husband is the father of the child; or

(II) Provides for support of the child by the husband unless paternity is specifically disclaimed in the order.

(d) Paternity is not adjudicated for a child not mentioned in the final order.

(2) If a party requests a decree of legal separation rather than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects.

<p>Connecticut</p>	<p>CONN. GEN. STAT. ANN. § 46b-40 (West 2009).</p>	<p>§ 46b-40. <i>Grounds for dissolution of marriage; legal separation; annulment</i></p> <p>(a) A marriage is dissolved only by (1) the death of one of the parties or (2) a decree of annulment or dissolution of the marriage by a court of competent jurisdiction.</p> <p>(b) An annulment shall be granted if the marriage is void or voidable under the laws of this state or of the state in which the marriage was performed.</p> <p>(c) A decree of dissolution of a marriage or a decree of legal separation shall be granted upon a finding that one of the following causes has occurred: (1) The marriage has broken down irretrievably; (2) the parties have lived apart by reason of incompatibility for a continuous period of at least the eighteen months immediately prior to the service of the complaint and that there is no reasonable prospect that they will be reconciled; (3) adultery; (4) fraudulent contract; (5) wilful desertion for one year with total neglect of duty; (6) seven years' absence, during all of which period the absent party has not been heard from; (7) habitual intemperance; (8) intolerable cruelty; (9) sentence to imprisonment for life or the commission of any infamous crime involving a violation of conjugal duty and punishable by imprisonment for a period in excess of</p>	<p>No-fault divorce</p>
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one year; (io) legal confinement in a hospital or hospitals or other similar institution or institutions, because of mental illness, for at least an accumulated period totaling five years within the period of six years next preceding the date of the complaint.

(d) In an action for dissolution of a marriage or a legal separation on the ground of habitual intemperance, it shall be sufficient if the cause of action is proved to have existed until the time of the separation of the parties.

(e) In an action for dissolution of a marriage or a legal separation on the ground of wilful desertion for one year, with total neglect of duty, the furnishing of financial support shall not disprove total neglect of duty, in the absence of other evidence.

(f) For purposes of this section, *adultery* means voluntary sexual intercourse between a married person and a person other than such person's spouse.

Delaware

DEL. CODE ANN.
tit. 13, § 1505
(1999).

§ 1505. *Divorce; marriage irretrievably broken and reconciliation improbable; defenses; efforts at reconciliation.*

No-fault divorce

(a) The Court shall enter a decree of divorce whenever it finds that the marriage is irretrievably broken and that reconciliation is improbable.

(b) A marriage is irretrievably broken where it is characterized by:

- (1) Voluntary separation; or
- (2) Separation caused by respondent's misconduct; or
- (3) Separation caused by respondent's mental illness; or
- (4) Separation caused by incompatibility.

(c) Previously existing defenses to divorce of condonation, connivance, recrimination, insanity and lapse of time are preserved but only with respect to marriages characterized under paragraph (b)(2) of this section.

(d) The only defense to a divorce action shall be the failure to establish either:

- (1) The marriage of the parties; or
- (2) Jurisdictional requirements of § 1504 of this title; or

- (3) That the marriage is irretrievably broken; or
- (4) A defense permitted under subsection (c) of this section because of the characterization of the marriage under subsection (b)(2) of this section.
- (e) Bona fide efforts to achieve reconciliation prior to divorce, even those that include, temporarily, sleeping in the same bedroom and resumption of sexual relations, shall not interrupt any period of living separate and apart, provided that the parties have not occupied the same bedroom or had sexual relations with each other within the 30-day period immediately preceding the day the Court hears the petition for divorce.

District of Columbia (D.C.)

D.C. CODE § 16-904 (LexisNexis 2012).

§ 16-904. *Grounds for divorce, legal separation, and annulment.*

- (a) A divorce from the bonds of marriage may be granted if:
 - (1) both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation for a period of six months next preceding the commencement of the action;
 - (2) both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.
- (b) A legal separation from bed and board may be granted if:
 - (1) both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation; or
 - (2) both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action.
 - (3) Repealed.
 - (4) Repealed.
- (c) For purposes of subsections (1) and (2) of paragraphs (a) and (b) of this section, parties who have pursued separate lives, sharing neither bed nor board, shall be deemed to have lived separate and apart from one another even though:
 - (1) they reside under the same roof; or
 - (2) the separation is pursuant to an order of a court.

(d) Marriage contracts may be annulled in the following cases:

- (1) where such marriage was contracted while either of the parties thereto had a former spouse living, unless the former marriage had been lawfully dissolved;
- (2) where such marriage was contracted during the insanity of either party (unless there has been voluntary cohabitation after the discovery of the insanity);
- (3) where such marriage was procured by fraud or coercion;
- (4) where either party was matrimonially incapacitated at the time of marriage without the knowledge of the other and has continued to be so incapacitated; or
- (5) where either of the parties had not attained the age of legal consent to the contract of marriage (unless there has been voluntary cohabitation after attaining the age of legal consent), but in such cases only at the suit of the party who had not attained such age.

<p>Florida</p>	<p>FLA. STAT. ANN. § 61.052 (West 2006 & Supp. 2015).</p> <p>§ 61.052. <i>Dissolution of marriage</i></p> <p>(1) No judgment of dissolution of marriage shall be granted unless one of the following facts appears, which shall be pleaded generally:</p> <p>(a) The marriage is irretrievably broken.</p> <p>(b) Mental incapacity of one of the parties. However, no dissolution shall be allowed unless the party alleged to be incapacitated shall have been adjudged incapacitated according to the provisions of s. 744.331 for a preceding period of at least 3 years. Notice of the proceeding for dissolution shall be served upon one of the nearest blood relatives or guardian of the incapacitated person, and the relative or guardian shall be entitled to appear and to be heard upon the issues. If the incapacitated party has a general guardian other than the party bringing the proceeding, the petition and summons shall be served upon the incapacitated party and the guardian; and the guardian shall defend and protect the interests of the incapacitated party. If the incapacitated party has no guardian other than the party bringing the proceeding, the court shall appoint a guardian ad litem to defend and protect the interests of the incapacitated party. However, in all dissolutions of marriage granted on the basis of incapacity, the court may require the petitioner to pay alimony pursuant to the provisions of s. 61.08.</p> <p>(2) Based on the evidence at the hearing, which evidence need not be corroborated</p>	<p>No-fault divorce</p>
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except to establish that the residence requirements of s. 61.021 are met which may be corroborated by a valid Florida driver license, a Florida voter's registration card, a valid Florida identification card issued under s. 322.051, or the testimony or affidavit of a third party, the court shall dispose of the petition for dissolution of marriage when the petition is based on the allegation that the marriage is irretrievably broken as follows:

(a) If there is no minor child of the marriage and if the responding party does not, by answer to the petition for dissolution, deny that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage if the court finds that the marriage is irretrievably broken.

(b) When there is a minor child of the marriage, or when the responding party denies by answer to the petition for dissolution that the marriage is irretrievably broken, the court may:

1. Order either or both parties to consult with a marriage counselor, psychologist, psychiatrist, minister, priest, rabbi, or any other person deemed qualified by the court and acceptable to the party or parties ordered to seek consultation; or
2. Continue the proceedings for a reasonable length of time not to exceed 3 months, to enable the parties themselves to effect a reconciliation; or
3. Take such other action as may be in the best interest of the parties and the minor child of the marriage.

If, at any time, the court finds that the marriage is irretrievably broken, the court shall enter a judgment of dissolution of the marriage. If the court finds that the marriage is not irretrievably broken, it shall deny the petition for dissolution of marriage.

(3) During any period of continuance, the court may make appropriate orders for the support and alimony of the parties; the parenting plan, support, maintenance, and education of the minor child of the marriage; attorney's fees; and the preservation of the property of the parties.

(4) A judgment of dissolution of marriage shall result in each spouse having the status of being single and unmarried. No judgment of dissolution of marriage renders the child of the marriage a child born out of wedlock.

(5) The court may enforce an antenuptial agreement to arbitrate a dispute in accordance with the law and tradition chosen by the parties.

(6) Any injunction for protection against domestic violence arising out of the dissolution of marriage proceeding shall be issued as a separate order in compliance with chapter 741 and shall not be included in the judgment of dissolution of marriage.

(7) In the initial pleading for a dissolution of marriage as a separate attachment to the pleading, each party is required to provide his or her social security number and the full names and social security numbers of each of the minor children of the marriage.

(8) Pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, each party is required to provide his or her social security number in accordance with this section. Each party is also required to provide the full name, date of birth, and social security number for each minor child of the marriage. Disclosure of social security numbers obtained through this requirement shall be limited to the purpose of administration of the Title IV-D program for child support enforcement.

<p>Georgia</p>	<p>GA. CODE ANN. § 19-5-3 (Harrison 1998).</p>	<p>§ 19-5-3. <i>Grounds for total divorce</i></p> <p>The following grounds shall be sufficient to authorize the granting of a total divorce:</p> <ul style="list-style-type: none"> (1) Intermarriage by persons within the prohibited degrees of consanguinity or affinity; (2) Mental incapacity at the time of the marriage; (3) Impotency at the time of the marriage; (4) Force, menace, duress, or fraud in obtaining the marriage; (5) Pregnancy of the wife by a man other than the husband, at the time of the marriage, unknown to the husband; (6) Adultery in either of the parties after marriage; (7) Willful and continued desertion by either of the parties for the term of one year; (8) The conviction of either party for an offense involving moral turpitude, under which he is sentenced to imprisonment in a penal institution for a term of two years or longer; (9) Habitual intoxication; 	<p>No-fault divorce</p>
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(10) Cruel treatment, which shall consist of the willful infliction of pain, bodily or mental, upon the complaining party, such as reasonably justifies apprehension of danger to life, limb, or health;

(11) Incurable mental illness. No divorce shall be granted upon this ground unless the mentally ill party has been adjudged mentally ill by a court of competent jurisdiction or has been certified to be mentally ill by two physicians who have personally examined the party; and he has been confined in an institution for the mentally ill or has been under continuous treatment for mental illness for a period of at least two years immediately preceding the commencement of the action; and the superintendent or other chief executive officer of the institution and one competent physician appointed by the court, after a thorough examination, make a certified statement under oath that it is their opinion that the party evidences such a want of reason, memory, and intelligence as to prevent the party from comprehending the nature, duties, and consequences of the marriage relationship and that, in the light of present day medical knowledge, recovery of the party's mental health cannot be expected at any time during his life. Notice of the action must be served upon the guardian of the person of the mentally ill person and upon the superintendent or other chief executive officer of the institution in which the person is confined. In the event that there is no guardian of the person, then notice of the action shall be served upon a guardian ad litem, who shall be appointed by the court in which the divorce action is filed, and upon the superintendent or chief executive officer of the institution in which the person is confined. The guardian and superintendent shall be entitled to appear and be heard upon the issues. The status of the parties as to the support and maintenance of the mentally ill person shall not be altered in any way by the granting of the divorce;

(12) Habitual drug addiction, which shall consist of addiction to any controlled substance as defined in Article 2 of Chapter 13 of Title 16;

(13) The marriage is irretrievably broken. Under no circumstances shall the court grant a divorce on this ground until not less than 30 days from the date of service on the respondent.

<i>Hawaii</i>	<p>HAW. REV. STAT. § 580-41. <i>Divorce</i> § 580-41 (2006).</p> <p>The family court shall decree a divorce from the bond of matrimony upon the application of either party when the court finds:</p> <p>(1) The marriage is irretrievably broken;</p>	No-fault divorce
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(2) The parties have lived separate and apart under a decree of separation from bed and board entered by any court of competent jurisdiction, the term of separation has expired, and no reconciliation has been effected;

(3) The parties have lived separate and apart for a period of two years or more under a decree of separate maintenance entered by any court of competent jurisdiction, and no reconciliation has been effected; or

(4) The parties have lived separate and apart for a continuous period of two years or more immediately preceding the application, there is no reasonable likelihood that cohabitation will be resumed, and the court is satisfied that, in the particular circumstances of the case, it would not be harsh and oppressive to the defendant or contrary to the public interest to a divorce on this ground on the complaint of the plaintiff.

<i>Idaho</i>	IDAHO CODE ANN. § 32-603 (2006).	<p>§ 32-603. <i>Causes for divorce.</i> —</p> <p>Divorces may be granted for any of the following causes:</p> <ol style="list-style-type: none"> 1. Adultery. 2. Extreme cruelty. 3. Wilful desertion. 4. Wilful neglect. 5. Habitual intemperance. 6. Conviction of felony. 7. When either the husband or wife has become permanently insane, as provided in sections 32-801 to 32-805, inclusive. 8. Irreconcilable differences.
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<i>Illinois</i>	750 ILL. COMP. STAT. ANN. 5/401 (West 1999).	<p>§ 401. <i>Dissolution of marriage.</i></p> <p>(a) The court shall enter a judgment of dissolution of marriage if at the time the action was commenced one of the spouses was a resident of this State or was</p>
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stationed in this State while a member of the armed services, and the residence or military presence had been maintained for 90 days next preceding the commencement of the action or the making of the finding; provided, however, that a finding of residence of a party in any judgment entered under this Act from January 1, 1982 through June 30, 1982 shall satisfy the former domicile requirements of this Act; and if one of the following grounds for dissolution has been proved:

(1) That, without cause or provocation by the petitioner: the respondent was at the time of such marriage, and continues to be naturally impotent; the respondent had a wife or husband living at the time of the marriage; the respondent had committed adultery subsequent to the marriage; the respondent has wilfully deserted or absented himself or herself from the petitioner for the space of one year, including any period during which litigation may have pending between the spouses for dissolution of marriage or legal separation; the respondent has been guilty of habitual drunkenness for the space of 2 years; the respondent has been guilty of gross and confirmed habits caused by the excessive use of addictive drugs for the space of 2 years, or has attempted the life of the other by poison or other means showing malice, or has been guilty of extreme and repeated physical or mental cruelty, or has been convicted of a felony or other infamous crime; or the respondent has infected the other with a sexually transmitted disease. "Excessive use of addictive drugs", as used in this Section, refers to use of an addictive drug by a person when using the drug becomes a controlling or a dominant purpose of his life; or

(2) That the spouses have lived separate and apart for a continuous period in excess of 2 years and irreconcilable differences have caused the irretrievable breakdown of the marriage and the court determines that efforts at reconciliation have failed or that future attempts at reconciliation would be impracticable and not in the best interests of the family. If the spouses have lived separate and apart for a continuous period of not less than 6 months next preceding the entry of the judgment dissolving the marriage, as evidenced by testimony or affidavits of the spouses, the requirement of living separate and apart for a continuous period in excess of 2 years may be waived upon written stipulation of both spouses filed with the court. At any time after the parties cease to cohabit, the following periods shall be included in the period of separation:

(A) any period of cohabitation during which the parties attempted in good faith to reconcile and participated in marriage counseling under the guid-

ance of any of the following: a psychiatrist, a clinical psychologist, a clinical social worker, a marriage and family therapist, a person authorized to provide counseling in accordance with the prescriptions of any religious denomination, or a person regularly engaged in providing family or marriage counseling; and

(B) any period of cohabitation under written agreement of the parties to attempt to reconcile.

In computing the period during which the spouses have lived separate and apart for purposes of this Section, period during which the spouses were living separate and apart prior to July 1, 1984 are included.

(b) Judgment shall not be entered unless, to the extent it has jurisdiction to do so, the court has considered, approved, reserved or made provision for child custody, the support of any child of the marriage entitled to support, the maintenance of either spouse and the disposition of property. The court may enter a judgment for dissolution that reserve any of these issues either upon (i) agreement of the parties, or (ii) motion of either party and a finding by the court that appropriate circumstances exist.

The death of a party subsequent to entry of a judgment for dissolution but before judgment on reserved issues shall not abate the proceedings.

If any provision of this Section or its application shall be adjudged unconstitutional or invalid for any reason by any court of competent jurisdiction, that judgment shall not impair, affect or invalidate any other provision or application of this Section, which shall remain in full force and effect.

Indiana

IND. CODE ANN. § 31-15-2-3. *Grounds.*
 § 31-15-2-3 (LexisNexis 2007).

Dissolution of marriage shall be decreed upon a finding by a court of one (1) of the following grounds and no other ground:

- (1) Irretrievable breakdown of the marriage.
- (2) The conviction of either of the parties, subsequent to the marriage, of a felony.
- (3) Impotence, existing at the time of the marriage.
- (4) Incurable insanity of either party for a period of at least two (2) years.

<p>Iowa</p>	<p>IOWA CODE ANN. § 598.17 (West 2001).</p>	<p><i>598.17. Dissolution of marriage--evidence</i></p> <p>A decree dissolving the marriage may be entered when the court is satisfied from the evidence presented that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. The decree shall state that the dissolution is granted to the parties, and shall not state that it is granted to only one party.</p> <p>If at the time of trial petitioner fails to present satisfactory evidence that there has been a breakdown of the marriage relationship to the extent that the legitimate objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved, the respondent had filed the original petition.</p> <p>A dissolution of marriage granted when one of the spouses has mental illness shall not relieve the other spouse of any obligation imposed by law as a result of the marriage for the support of the spouse with mental illness. The court may make an order for the support or may waive the support obligation when satisfied from the evidence that it would create an undue hardship on the obliged spouse or that spouse's other dependents.</p>
<p>Kansas</p>	<p>KAN. STAT. ANN. § 60-1601 (1994).</p>	<p><i>60-1601. Grounds for divorce or separate maintenance.</i></p> <p>(a) The district court shall grant a decree of divorce or separate maintenance for any of the following grounds: (1) Incompatibility; (2) failure to perform a material marital duty or obligation; or (3) incompatibility by reason of mental illness or mental incapacity of one or both spouses.</p> <p>(b) The ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall require a finding of either: (1) Confinement of the spouse in an institution by reason of mental illness for a period of two years, which confinement need not be continuous; or (2) an adjudication of mental illness or mental incapacity of the spouse by a court of competent jurisdiction while the spouse is confined in an institution by reason of mental illness. In either case, there must be a finding by at least two of three physicians, appointed by the court before which the action is pending, that the mentally ill or mentally incapacitated spouse has a poor prognosis for recovery from the mental illness or mental incapacity, based upon general knowledge available at the time. A decree granted on the ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall not relieve a party from contributing to the support and maintenance of the mentally ill or mentally incapacitated spouse. If both spouses are confined to institutions because of mental ill-</p>

	<p>ness or mental incapacity, the guardian of either spouse may file a petition for divorce and the court may grant the divorce on the ground of incompatibility by reason of mental illness or mental incapacity.</p>	
<p>Kentucky</p>	<p>KY. REV. STAT. ANN. §§ 403.140, 403.170, 403.050 (LexisNexis 1999).</p> <p>403.140 Marriage — Court may enter decree of dissolution or separation.</p> <p>(i) The Circuit Court shall enter a decree of dissolution of marriage if:</p> <p>(a) The court finds that one (i) of the parties, at the time the action was commenced, resided in this state, or was stationed in this state while a member of the armed services, and that the residence or military presence has been maintained for 180 days next preceding the filing of the petition;</p> <p>(b) The court finds that the conciliation provisions of KRS 403.170 either do not apply or have been met;</p> <p>(c) The court finds that the marriage is irretrievably broken; and</p> <p>(d) To the extent it has jurisdiction to do so, the court has considered, approved or made provision for child custody, the support of any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property.</p> <p>(2) If a party requests a decree of legal separation rather than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects, in which latter event the other provisions of this chapter shall apply.</p> <p>403.170 Marriage — Irretrievable breakdown.</p> <p>(1) If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken. No decree shall be entered until the parties have lived apart for 60 days. Living apart shall include living under the same roof without sexual cohabitation. The court may order a conciliation conference as a part of the hearing.</p> <p>(2) If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to filing the petition and the prospect of reconciliation, and shall:</p>	<p>No-fault divorce</p>

	<p>(a) Make a finding whether the marriage is irretrievably broken; or</p> <p>(b) Continue the matter for further hearing not fewer than 30 nor more than 60 days later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. The court, at the request of either party shall, or on its own motion may, order a conciliation conference. At the adjourned hearing the court shall make a finding whether the marriage is irretrievably broken.</p> <p>(3) A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation.</p> <p><i>403.050 Divorce from bed and board — Grounds and legal effect.</i></p> <p>Divorce from bed and board may be rendered for any cause that allows divorce, or for any other cause that the court in its discretion considers sufficient. A divorce from bed and board shall operate as to property thereafter acquired, and upon the personal rights and legal capacities of the parties, as a divorce from the bond of matrimony, except that neither shall marry again during the life of the other, and except that it shall not bar curtesy, dower or distributive right. The judgment may be revised or set aside at any time by the court rendering it.</p>	
<p>Louisiana</p>	<p>LA. CIV. CODE ANN. art. 103 (2013); LA. REV. STAT. ANN. § 9:307 (2008).</p> <p><i>Art. 103. Judgment of divorce; other grounds</i></p> <p>Except in the case of a covenant marriage, a divorce shall be granted on the petition of a spouse upon proof that:</p> <p>(1) The spouses have been living separate and apart continuously for the requisite period of time, in accordance with Article 103.1, or more on the date the petition is filed;</p> <p>(2) The other spouse has committed adultery; or</p> <p>(3) The other spouse has committed a felony and has been sentenced to death or imprisonment at hard labor.</p>	<p>Covenant marriage</p> <p>§ 9:307. <i>Divorce or separation from bed and board in a covenant marriage; exclusive grounds</i></p> <p>A. Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, a spouse to a covenant marriage may obtain a judgment of divorce only upon proof of any of the following:</p> <p>(1) The other spouse has committed adultery.</p>

(2) The other spouse has committed a felony and has been sentenced to death or imprisonment at hard labor.

(3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

(5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.

(6)(a) The spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separation from bed and board was signed.

(b) If there is a minor child or children of the marriage, the spouses have been living separate and apart continuously without reconciliation for a period of one year and six months from the date the judgment of separation from bed and board was signed; however,

if abuse of a child of the marriage or a child of one of the spouses is the basis for which the judgment of separation from bed and board was obtained, then a judgment of divorce may be obtained if the spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separation from bed and board was signed.

B. Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, a spouse to a covenant marriage may obtain a judgment of separation from bed and board only upon proof of any of the following:

- (1) The other spouse has committed adultery.
- (2) The other spouse has committed a felony and has been sentenced to death or imprisonment at hard labor.
- (3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

(5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.

(6) On account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrages of the other spouse, if such habitual intemperance, or such ill-treatment is of such a nature as to render their living together insupportable.

C. The counseling referenced in Subsections A and B of this Section, or other such reasonable steps taken by the spouses to preserve the marriage, as required by the Declaration of Intent signed by the spouses, shall occur once the parties experience marital difficulties. If the spouses begin living separate and apart, the counseling or other intervention should continue until the rendition of a judgment of divorce.

D. Notwithstanding the provi-

sions of Subsection C of this Section, the counseling referenced in Subsections A and B of this Section shall not apply when the other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

Maine

ME. REV. STAT. § 902. *Grounds; defenses*
 ANN. tit. 19-A,
 § 902 (2012).

1. *Grounds.* A divorce may be granted for one of the following causes:

A. Adultery;

B. Impotence;

C. Extreme cruelty;

D. Utter desertion continued for 3 consecutive years prior to the commencement of the action;

E. Gross and confirmed habits of intoxication from the use of liquor or drugs;

F. Nonsupport, when one spouse has sufficient ability to provide for the other spouse and grossly, wantonly or cruelly refuses or neglects to provide suitable maintenance for the complaining spouse;

G. Cruel and abusive treatment;

H. Irreconcilable marital differences; or

I. *Repealed.* Laws 2005, c. 594, § 2.

J. A judicial determination has been made that one of the parties is an incapacitated person, as defined in Title 18-A, section 5-101, for whom a guardian with full powers has been appointed, other than a temporary guardian appointed pursuant to Title 18-A, section 5-310-A.

2. *Irreconcilable differences; counseling.* If one party alleges that there are irreconcila-

ble marital differences and the opposing party denies that allegation, the court upon its own motion or upon motion of either party may continue the case and require both parties to receive counseling by a qualified professional counselor to be selected either by agreement of the parties or by the court. The counselor shall give a written report of the counseling to the court and to both parties. The failure or refusal of the party who denies irreconcilable marital differences to submit to counseling without good reason is prima facie evidence that the marital differences are irreconcilable.

3. *Recrimination.* Recrimination is a comparative rather than an absolute defense in a divorce action.

4. *Condonation.* Condonation of the parties is not an absolute defense to any action for divorce but is discretionary with the court.

<p><i>Maryland</i></p>	<p>MD. CODE ANN., FAM. LAW §§ 7-103, 7-102 (LexisNexis 2004).</p> <p>§ 7-103. <i>Absolute divorce</i></p> <p>Grounds for absolute divorce</p> <p>(a) The court may decree an absolute divorce on the following grounds:</p> <p>(1) adultery;</p> <p>(2) desertion, if:</p> <p>(i) the desertion has continued for 12 months without interruption before the filing of the application for divorce;</p> <p>(ii) the desertion is deliberate and final; and</p> <p>(iii) there is no reasonable expectation of reconciliation;</p> <p>(3) conviction of a felony or misdemeanor in any state or in any court of the United States if before the filing of the application for divorce the defendant has:</p> <p>(i) been sentenced to serve at least 3 years or an indeterminate sentence in a penal institution; and</p> <p>(ii) served 12 months of the sentence;</p> <p>(4) 12-month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the application for divorce;</p>	<p>Absolute divorce Limited divorce</p>
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(5) insanity if:

(i) the insane spouse has been confined in a mental institution, hospital, or other similar institution for at least 3 years before the filing of the application for divorce;

(ii) the court determines from the testimony of at least 2 physicians who are competent in psychiatry that the insanity is incurable and there is no hope of recovery; and

(iii) 1 of the parties has been a resident of this State for at least 2 years before the filing of the application for divorce;

(6) cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or

(7) excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

Recrimination

(b) Recrimination is not a bar to either party obtaining an absolute divorce on the grounds set forth in subsection (a)(1) through (7) of this section, but is a factor to be considered by the court in a case involving the ground of adultery.

Res judicata

(c) Res judicata with respect to another ground under this section is not a bar to either party obtaining an absolute divorce on the ground of 12-month separation.

Condonation

(d) Condonation is not an absolute bar to a decree of an absolute divorce on the ground of adultery, but is a factor to be considered by the court in determining whether the divorce should be decreed.

Effect of a limited divorce on bill of complaint for absolute divorce

(e)(1) A court may decree an absolute divorce even if a party has obtained a limited divorce.

(2) If a party obtained a limited divorce on the ground of desertion that at the time of the decree did not meet the requirements of subsection (a)(2) of this section, the party may obtain an absolute divorce on the ground of desertion when the deser-

tion meets the requirements of subsection (a)(2) of this section.

§ 7-102. *Limited divorce*

Grounds for limited divorce

(a) The court may decree a limited divorce on the following grounds:

- (1) cruelty of treatment of the complaining party or of a minor child of the complaining party;
- (2) excessively vicious conduct to the complaining party or to a minor child of the complaining party;
- (3) desertion; or
- (4) voluntary separation, if:
 - (i) the parties are living separate and apart without cohabitation; and
 - (ii) there is no reasonable expectation of reconciliation.

Attempts at reconciliation

(b) As a condition precedent to granting a decree of limited divorce, the court may:

- (1) require the parties to participate in good faith in the efforts to achieve reconciliation that the court prescribes; and
- (2) assess the costs of any efforts to achieve reconciliation that the court prescribes.

Time during which decree is effective

(c) The court may decree a divorce under this section for a limited time or for an indefinite time.

Revocation of decree

(d) The court that granted a decree of limited divorce may revoke the decree at any time on the joint application of the parties.

Decree of limited divorce on prayer for absolute divorce

(e) If an absolute divorce is prayed and the evidence is sufficient to entitle the parties to a limited divorce, but not to an absolute divorce, the court may decree a limited

			divorce.
Massachusetts	MASS. LAWS. ch. 208, (West 2007).	GEN. ANN. § 1	<p><i>§ 1. General provisions</i></p> <p>A divorce from the bond of matrimony may be adjudged for adultery, impotency, utter desertion continued for one year next prior to the filing of the complaint, gross and confirmed habits of intoxication caused by voluntary and excessive use of intoxicating liquor, opium, or other drugs, cruel and abusive treatment, or, if a spouse being of sufficient ability, grossly or wantonly and cruelly refuses or neglects to provide suitable support and maintenance for the other spouse, or for an irretrievable breakdown of the marriage as provided in sections one A and B; provided, however, that a divorce shall be adjudged although both parties have cause, and no defense upon recrimination shall be entertained by the court.</p>
Michigan	MICH. LAWS § 552.6 (West 2005).	COMP. ANN. (West	<p><i>552.6. Complaint for divorce, filing, contents; answer; judgment</i></p> <p>Sec. 6. (1) A complaint for divorce may be filed in the circuit court upon the allegation that there has been a breakdown of the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved. In the complaint the plaintiff shall make no other explanation of the grounds for divorce than by the use of the statutory language.</p> <p>(2) The defendant, by answer, may either admit the grounds for divorce alleged or deny them without further explanation. An admission by the defendant of the grounds for divorce may be considered by the court but is not binding on the court's determination.</p> <p>(3) The court shall enter a judgment dissolving the bonds of matrimony if evidence is presented in open court that there has been a breakdown in the marriage relationship to the extent that the objects of matrimony have been destroyed and there remains no reasonable likelihood that the marriage can be preserved.</p>
Minnesota	MINN. ANN. (West 2006).	STAT. § 518.06	<p><i>518.06. Dissolution of marriage; legal separation; grounds; uncontested legal separation</i></p> <p><i>Subdivision 1. Meaning and effect; grounds.</i> A dissolution of marriage is the termination of the marital relationship between a husband and wife. A decree of dissolution completely terminates the marital status of both parties. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation does not terminate the marital status of the parties. A dissolution of a marriage shall be granted by a county or district court when the court finds that there has been an irretrievable breakdown of the marriage relationship.</p>

A decree of legal separation shall be granted when the court finds that one or both parties need a legal separation.

Defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

Subd. 2. Repealed by Laws 1978, c. 772, § 63.

Subd. 3. Uncontested legal separation. If one or both parties petition for a decree of legal separation and neither party contests the granting of the decree nor petitions for a decree of dissolution, the court shall grant a decree of legal separation.

Mississippi

MISS. CODE
ANN. § 93-5-1
(1999).

§ 93-5-1. *Causes allowed*

Divorces from the bonds of matrimony may be decreed to the injured party for any one or more of the following twelve (12) causes:

First. Natural impotency.

Second. Adultery, unless it should appear that it was committed by collusion of the parties for the purpose of procuring a divorce, or unless the parties cohabited after a knowledge by complainant of the adultery.

Third. Being sentenced to any penitentiary, and not pardoned before being sent there.

Fourth. Willful, continued and obstinate desertion for the space of one (1) year.

Fifth. Habitual drunkenness.

Sixth. Habitual and excessive use of opium, morphine or other like drug.

Seventh. Habitual cruel and inhuman treatment.

Eighth. Having mental illness or an intellectual disability at the time of marriage, if the party complaining did not know of that infirmity.

Ninth. Marriage to some other person at the time of the pretended marriage between the parties.

Tenth. Pregnancy of the wife by another person at the time of the marriage, if the

husband did not know of the pregnancy.

Eleventh. Either party may have a divorce if they are related to each other within the degrees of kindred between whom marriage is prohibited by law.

Twelfth. Incurable mental illness. However, no divorce shall be granted upon this ground unless the party with mental illness has been under regular treatment for mental illness and causes thereof, confined in an institution for persons with mental illness for a period of at least three (3) years immediately preceding the commencement of the action.

Missouri

MO. ANN. STAT. §§ 452.305, 452.320 (West 2003 & Supp. 2010).

452.305. *Judgment of dissolution, grounds for—legal separation, when—judgments to contain partial Social Security number—full Social Security number, when*

1. The court shall enter a judgment of dissolution of marriage if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state, for ninety days immediately preceding the commencement of the proceeding and that thirty days have elapsed since the filing of the petition; and

(2) The court finds that there remains no reasonable likelihood that the marriage can be preserved and that therefore the marriage is irretrievably broken; and

(3) To the extent it has jurisdiction, the court has considered and made provision for child custody, the support of each child, the maintenance of either spouse and the disposition of property.

2. The court shall enter a judgment of legal separation if:

(1) The court finds that one of the parties has been a resident of this state, or is a member of the armed services who has been stationed in this state, for ninety days immediately preceding the commencement of the proceeding and that thirty days have elapsed since the filing of the petition; and

(2) The court finds that there remains a reasonable likelihood that the marriage can be preserved and that therefore the marriage is not irretrievably broken; and

(3) To the extent it has jurisdiction, the court has considered and made provision for the custody and the support of each child, the maintenance of either spouse and the

disposition of property.

3. Any judgment of dissolution of marriage or legal separation shall include the last four digits of the Social Security numbers of the parties. The full Social Security number of each party and each child shall be retained in the manner required under section 509.520, RSMo.

452.320. Finding that marriage is irretrievably broken, when—notice—denial by a party, effect of—alternate findings

1. If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after considering the aforesaid petition or statement, and after a hearing thereon shall make a finding whether or not the marriage is irretrievably broken and shall enter an order of dissolution or dismissal accordingly.

2. If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospect of reconciliation, and after hearing the evidence shall

(1) Make a finding whether or not the marriage is irretrievably broken, and in order for the court to find that the marriage is irretrievably broken, the petitioner shall satisfy the court of one or more of the following facts:

(a) That the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

(b) That the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;

(c) That the respondent has abandoned the petitioner for a continuous period of at least six months preceding the presentation of the petition;

(d) That the parties to the marriage have lived separate and apart by mutual consent for a continuous period of twelve months immediately preceding the filing of the petition;

(e) That the parties to the marriage have lived separate and apart for a con-

	<p>tinuous period of at least twenty-four months preceding the filing of the petition; or</p> <p>(2) Continue the matter for further hearing not less than thirty days or more than six months later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. No court shall require counseling as a condition precedent to a decree, nor shall any employee of any court, or of the state or any political subdivision of the state, be utilized as a marriage counselor. At the adjourned hearing, the court shall make a finding whether the marriage is irretrievably broken as set forth in subdivision (1) above and shall enter an order of dissolution or dismissal accordingly.</p>	
<p>Montana</p>	<p>MONT. CODE §40-4-104. <i>Dissolution of marriage — legal separation.</i></p> <p>ANN. §§ 40-4-104, 28-2-706 (2009).</p> <p>(1) The district court shall enter a decree of dissolution of marriage if:</p> <p>(a) the court finds that one of the parties, at the time the action was commenced, was domiciled in this state, as provided in 25-2-118, or was stationed in this state while a member of the armed services and that the domicile or military presence has been maintained for 90 days preceding the filing of the action;</p> <p>(b) the court finds that the marriage is irretrievably broken, which findings must be supported by evidence:</p> <p>(i) that the parties have lived separate and apart for a period of more than 180 days preceding the commencement of this proceeding; or</p> <p>(ii) that there is serious marital discord that adversely affects the attitude of one or both of the parties towards the marriage;</p> <p>(c) the court finds that the conciliation provisions of the Montana Conciliation Law and of 40-4-107 either do not apply or have been met; and</p> <p>(d) to the extent it has jurisdiction to do so, the court has considered, approved, or made provision for parenting, the support of any child entitled to support, the maintenance of either spouse, and the disposition of property.</p> <p>(2) If a party requests a decree of legal separation rather than a decree of dissolution of marriage, the court shall grant the decree in that form unless the other party objects.</p>	<p>No-fault divorce</p> <p>§ 28-2-706. <i>Contracts in restraint of marriage generally void.</i></p> <p>Every contract in restraint of the marriage of any person other than a minor is void.</p>

<p>Nebraska</p>	<p>NEB. REV. STAT. § 42-361 (2011).</p>	<p>§ 42-361 <i>Marriage irretrievably broken; findings.</i></p> <p>(1) If both of the parties state under oath or affirmation that the marriage is irretrievably broken, or one of the parties so states and the other does not deny it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken.</p> <p>(2) If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the complaint and the prospect of reconciliation, and shall make a finding whether the marriage is irretrievably broken.</p> <p>(3) Sixty days or more after perfection of service of process, the court may enter a decree of dissolution without a hearing if:</p> <p>(a) Both parties waive the requirement of the hearing and the court has sufficient basis to make a finding that it has subject matter jurisdiction over the dissolution action and personal jurisdiction over both parties; and</p> <p>(b) Both parties have certified in writing that the marriage is irretrievably broken, both parties have certified that they have made every reasonable effort to effect reconciliation, all documents required by the court and by statute have been filed, and the parties have entered into a written agreement, signed by both parties under oath, resolving all issues presented by the pleadings in their dissolution action.</p>	<p>No-fault divorce Limited divorce (<i>i.e.</i> divorce from bed and board) <i>See</i> Scholz v. Scholz, 109 N.W.2d 156 (Neb. 1961).</p>
<p>Nevada</p>	<p>NEV. REV. STAT. ANN. § 125.010 (LexisNexis 2004).</p>	<p>§ 125.010. <i>Causes for divorce.</i></p> <p>Divorce from the bonds of matrimony may be obtained for any of the following causes:</p> <p>1. Insanity existing for 2 years prior to the commencement of the action. Upon this cause of action the court, before granting a divorce, shall require corroborative evidence of the insanity of the defendant at that time, and a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant, and the court may require the plaintiff in such action to give bond therefor in an amount to be fixed by the court.</p> <p>2. When the husband and wife have lived separate and apart for 1 year without cohabitation the court may, in its discretion, grant an absolute decree of divorce at the suit of either party.</p> <p>3. Incompatibility.</p>	<p>No-fault divorce</p>

New Hampshire	N.H. REV. STAT. ANN. § 458:7 (LexisNexis 2007).	<p>§458:7. <i>Absolute Divorce, Generally.</i></p> <p>A divorce from the bonds of matrimony shall be decreed in favor of the innocent party for any of the following causes:</p> <p>I. Impotency of either party.</p> <p>II. Adultery of either party.</p> <p>III. Extreme cruelty of either party to the other.</p> <p>IV. Conviction of either party, in any state or federal district, of a crime punishable with imprisonment for more than one year and actual imprisonment under such conviction.</p> <p>V. When either party has so treated the other as seriously to injure health or endanger reason.</p> <p>VI. When either party has been absent 2 years together, and has not been heard of.</p> <p>VII. When either party is an habitual drunkard, and has been such for 2 years together.</p> <p>VIII. When either party has joined any religious sect or society which professes to believe the relation of husband and wife unlawful, and has refused to cohabit with the other for 6 months together.</p> <p>IX. When either party, without sufficient cause, and without the consent of the other, has abandoned and refused, for 2 years together, to cohabit with the other.</p> <p>X-XIII. [Repealed].</p>	
New Jersey	N.J. STAT. ANN. § 2A:34-2 (West 2010).	<p>§ 2A:34-2. <i>Causes for divorce from bond of matrimony</i></p> <p>Divorce from the bond of matrimony may be adjudged for the following causes heretofore or hereafter arising:</p> <p>a. Adultery;</p> <p>b. Willful and continued desertion for the term of 12 or more months, which may be established by satisfactory proof that the parties have ceased to cohabit as man and wife;</p>	Includes irreconcilable differences, which is a no-fault cause.

c. Extreme cruelty, which is defined as including any physical or mental cruelty which endangers the safety or health of the plaintiff or makes it improper or unreasonable to expect the plaintiff to continue to cohabit with the defendant; provided that no complaint for divorce shall be filed until after 3 months from the date of the last act of cruelty complained of in the complaint, but this provision shall not be held to apply to any counterclaim;

d. Separation, provided that the husband and wife have lived separate and apart in different habitations for a period of at least 18 or more consecutive months and there is no reasonable prospect of reconciliation; provided, further that after the 18-month period there shall be a presumption that there is no reasonable prospect of reconciliation;

e. Voluntarily induced addiction or habituation to any narcotic drug as defined in the New Jersey Controlled Dangerous Substances Act, P.L.1970, c. 226¹ or habitual drunkenness for a period of 12 or more consecutive months subsequent to marriage and next preceding the filing of the complaint;

f. Institutionalization for mental illness for a period of 24 or more consecutive months subsequent to marriage and next preceding the filing of the complaint;

g. Imprisonment of the defendant for 18 or more consecutive months after marriage, provided that where the action is not commenced until after the defendant's release, the parties have not resumed cohabitation following such imprisonment;

h. Deviant sexual conduct voluntarily performed by the defendant without the consent of the plaintiff;

i. Irreconcilable differences which have caused the breakdown of the marriage for a period of six months and which make it appear that the marriage should be dissolved and that there is no reasonable prospect of reconciliation.

<p>New Mexico</p>	<p>N.M. STAT. ANN. § 40-4-1 (1999).</p>	<p>§ 40-4-1. <i>Dissolution of marriage.</i> On the petition of either party to a marriage, a district court may decree a dissolution of marriage on any of the following grounds: A. incompatibility; B. cruel and inhuman treatment;</p>
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		C. adultery; or	
		D. abandonment.	
<i>New York</i>	N.Y. DOM. REL. LAW §§ 170, 220 (McKinney 2010).	<p>§ 170. <i>Action for divorce</i></p> <p>An action for divorce may be maintained by a husband or wife to procure a judgment divorcing the parties and dissolving the marriage on any of the following grounds:</p> <p>(1) The cruel and inhuman treatment of the plaintiff by the defendant such that the conduct of the defendant so endangers the physical or mental well being of the plaintiff as renders it unsafe or improper for the plaintiff to cohabit with the defendant.</p> <p>(2) The abandonment of the plaintiff by the defendant for a period of one or more years.</p> <p>(3) The confinement of the defendant in prison for a period of three or more consecutive years after the marriage of plaintiff and defendant.</p> <p>(4) The commission of an act of adultery, provided that adultery for the purposes of articles ten, eleven, and eleven-A of this chapter, is hereby defined as the commission of an act of sexual intercourse, oral sexual conduct or anal sexual conduct, voluntarily performed by the defendant, with a person other than the plaintiff after the marriage of plaintiff and defendant. Oral sexual conduct and anal sexual conduct include, but are not limited to, sexual conduct as defined in subdivision two of section 130.00 and subdivision three of section 130.20 of the penal law.</p> <p>(5) The husband and wife have lived apart pursuant to a decree or judgment of separation for a period of one or more years after the granting of such decree or judgment, and satisfactory proof has been submitted by the plaintiff that he or she has substantially performed all the terms and conditions of such decree or judgment.</p> <p>(6) The husband and wife have lived separate and apart pursuant to a written agreement of separation, subscribed by the parties thereto and acknowledged or proved in the form required to entitle a deed to be recorded, for a period of one or more years after the execution of such agreement and satisfactory proof has been submitted by the plaintiff that he or she has substantially performed all the terms and conditions of such agreement. Such agreement shall be filed in the office of the clerk of the county wherein either party resides. In lieu of filing such agreement, either party to such agreement may file a memorandum of such agreement, which memorandum shall be similarly subscribed and acknowledged or proved as was the agreement of separation</p>	No-fault divorce

and shall contain the following information: (a) the names and addresses of each of the parties, (b) the date of marriage of the parties, (c) the date of the agreement of separation and (d) the date of this subscription and acknowledgment or proof of such agreement of separation.

(7) The relationship between husband and wife has broken down irretrievably for a period of at least six months, provided that one party has so stated under oath. No judgment of divorce shall be granted under this subdivision unless and until the economic issues of equitable distribution of marital property, the payment or waiver of spousal support, the payment of child support, the payment of counsel and experts' fees and expenses as well as the custody and visitation with the infant children of the marriage have been resolved by the parties, or determined by the court and incorporated into the judgment of divorce.

§ 220. Special proceeding to dissolve marriage on the ground of absence

A special proceeding to dissolve a marriage on the ground of absence may be maintained in either of the following cases:

1. Where the petitioner is a resident of this state and has been a resident thereof for one year immediately preceding the commencement of the special proceeding.
2. Where the matrimonial domicile at the time of the disappearance of the absent spouse was within the state.

North Carolina

N.C. GEN. STAT. §§ 50-5.1, 50-6, 50-7 (2009).

§ 50-5.1. Grounds for absolute divorce in cases of incurable insanity.

In all cases where a husband and wife have lived separate and apart for three consecutive years, without cohabitation, and are still so living separate and apart by reason of the incurable insanity of one of them, the court may grant a decree of absolute divorce upon the petition of the sane spouse: Provided, if the insane spouse has been released on a trial basis to the custody of his or her respective spouse such shall not be considered as terminating the status of living "separate and apart" nor shall it be considered as constituting "cohabitation" for the purpose of this section nor shall it prevent the granting of a divorce as provided by this section. Provided further, the evidence shall show that the insane spouse is suffering from incurable insanity, and has been confined or examined for three consecutive years next preceding the bringing of the action in an institution for the care and treatment of the mentally disordered or, if not so confined, has been examined at least three years preceding the institution of the action for divorce and then found to be incurably insane as hereinafter provided. Provided further, that proof of incurable insanity be supported by the testimony of two

reputable physicians, one of whom shall be a staff member or the superintendent of the institution where the insane spouse is confined, and one regularly practicing physician in the community wherein such husband and wife reside, who has no connection with the institution in which said insane spouse is confined; and provided further that a sworn statement signed by said staff member or said superintendent of the institution wherein the insane spouse is confined or was examined shall be admissible as evidence of the facts and opinions therein stated as to the mental status of said insane spouse and as to whether or not said insane spouse is suffering from incurable insanity, or the parties according to the laws governing depositions may take the deposition of said staff member or superintendent of the institution wherein the insane spouse is confined; and provided further that incurable insanity may be proved by the testimony of one or more licensed physicians who are members of the staff of one of this State's accredited four-year medical schools or a state-supported mental institution, supported by the testimony of one or more other physicians licensed by the State of North Carolina, that each of them examined the allegedly incurable insane spouse at least three years preceding the institution of the action for divorce and then determined that said spouse was suffering from incurable insanity and that one or more of them examined the allegedly insane spouse subsequent to the institution of the action and that in his or their opinion the said allegedly insane spouse was continuously incurably insane throughout the full period of three years prior to the institution of the said action.

In lieu of proof of incurable insanity and confinement for three consecutive years next preceding the bringing of the action in an institution for the care and treatment of the mentally disordered prescribed in the preceding paragraph, it shall be sufficient if the evidence shall show that the allegedly insane spouse was adjudicated to be insane more than three years preceding the institution of the action for divorce, that such insanity has continued without interruption since such adjudication and that such person has not been adjudicated to be sane since such adjudication of insanity; provided, further, proof of incurable insanity existing after the institution of the action for divorce shall be furnished by the testimony of two reputable, regularly practicing physicians, one of whom shall be a psychiatrist.

In lieu of proof of incurable insanity and confinement for three consecutive years next preceding the bringing of the action in an institution for the care and treatment of the mentally disordered, or the adjudication of insanity, as prescribed in the preceding paragraphs, it shall be sufficient if the evidence shall show that the insane spouse was examined by two or more members of the staff of one of this State's accredited four-year medical schools, both of whom are medical doctors, at least three years preceding the institution of the action for divorce with a determination at that time by said

staff members that said spouse is suffering from incurable insanity, that such insanity has continued without interruption since such determination; provided, further, that sworn statements signed by the staff members of the accredited medical school who examined the insane spouse at least three years preceding the commencement of the action shall be admissible as evidence of the facts and opinions therein stated as to the mental status of said insane spouse as to whether or not said insane spouse was suffering from incurable insanity; provided, further, that proof of incurable insanity under this section existing after the institution of the action for divorce shall be furnished by the testimony of two reputable physicians, one of whom shall be a psychiatrist on the staff of one of the State's accredited four-year medical schools, and one a physician practicing regularly in the community wherein such insane person resides.

In all decrees granted under this subdivision in actions in which the insane defendant has insufficient income and property to provide for his or her own care and maintenance, the court shall require the plaintiff to provide for the care and maintenance of the insane defendant for the defendant's lifetime, based upon the standards set out in G.S. 50-16.5(a). The trial court will retain jurisdiction of the parties and the cause, from term to term, for the purpose of making such orders as equity may require to enforce the provisions of the decree requiring plaintiff to furnish the necessary funds for such care and maintenance.

Service of process shall be held upon the regular guardian for said defendant spouse, if any, and if no regular guardian, upon a duly appointed guardian ad litem and also upon the superintendent or physician in charge of the institution wherein the insane spouse is confined. Such guardian or guardian ad litem shall make an investigation of the circumstances and notify the next of kin of the insane spouse or the superintendent of the institution of the action and whenever practical confer with said next of kin before filing appropriate pleadings in behalf of the defendant.

In all actions brought under this subdivision, if the jury finds as a fact that the plaintiff has been guilty of such conduct as has conducted to the unsoundness of mind of the insane defendant, the relief prayed for shall be denied.

The plaintiff or defendant must have resided in this State for six months next preceding institution of any action under this section.

§ 50-6. Divorce after separation of one year on application of either party.

Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony on the application of either party, if and when the husband and wife have

lived separate and apart for one year, and the plaintiff or defendant in the suit for divorce has resided in the State for a period of six months. A divorce under this section shall not be barred to either party by any defense or plea based upon any provision of G.S. 50-7, a plea of res judicata, or a plea of recrimination. Notwithstanding the provisions of G.S. 50-11, or of the common law, a divorce under this section shall not affect the rights of a dependent spouse with respect to alimony which have been asserted in the action or any other pending action.

Whether there has been a resumption of marital relations during the period of separation shall be determined pursuant to G.S. 52-10.2. Isolated incidents of sexual intercourse between the parties shall not toll the statutory period required for divorce predicated on separation of one year.

§ 50-7. Grounds for divorce from bed and board.

The court may grant divorces from bed and board on application of the party injured, made as by law provided, in the following cases if either party:

- (1) Abandons his or her family.
- (2) Maliciously turns the other out of doors.
- (3) By cruel or barbarous treatment endangers the life of the other. In addition, the court may grant the victim of such treatment the remedies available under G.S. 50B-1, et seq.
- (4) Offers such indignities to the person of the other as to render his or her condition intolerable and life burdensome.
- (5) Becomes an excessive user of alcohol or drugs so as to render the condition of the other spouse intolerable and the life of that spouse burdensome.
- (6) Commits adultery.

North Dakota	N.D. CENT. CODE § 14-05-03 (2004).	14-05-03. <i>Causes for divorce.</i> Divorces may be granted for any of the following causes: 1. Adultery.
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	<ol style="list-style-type: none"> 2. Extreme cruelty. 3. Willful desertion. 4. Willful neglect. 5. Abuse of alcohol or controlled substances. 6. Conviction of felony. 7. Irreconcilable differences. 	
<p><i>Ohio</i></p>	<p>OHIO REV. CODE ANN. § 3105.01 (West 2013). <i>3105.01 Grounds for divorce</i></p> <p>The court of common pleas may grant divorces for the following causes:</p> <ol style="list-style-type: none"> (A) Either party had a husband or wife living at the time of the marriage from which the divorce is sought; (B) Willful absence of the adverse party for one year; (C) Adultery; (D) Extreme cruelty; (E) Fraudulent contract; (F) Any gross neglect of duty; (G) Habitual drunkenness; (H) Imprisonment of the adverse party in a state or federal correctional institution at the time of filing the complaint; (I) Procurement of a divorce outside this state, by a husband or wife, by virtue of which the party who procured it is released from the obligations of the marriage, while those obligations remain binding upon the other party; (J) On the application of either party, when husband and wife have, without interruption for one year, lived separate and apart without cohabitation; 	<p>Item (K) seems to indicate the possibility of having a no-fault divorce.</p>

(K) Incompatibility, unless denied by either party.

A plea of res judicata or of recrimination with respect to any provision of this section does not bar either party from obtaining a divorce on this ground.

Oklahoma

OKLA. STAT. ANN. tit. 43, § 101 (West 2014).

§101. *Grounds for divorce*

The district court may grant a divorce for any of the following causes:

First. Abandonment for one (1) year.

Second. Adultery.

Third. Impotency.

Fourth. When the wife at the time of her marriage, was pregnant by another than her husband.

Fifth. Extreme cruelty.

Sixth. Fraudulent contract.

Seventh. Incompatibility. Provided, however, where the interest of a child under eighteen (18) years of age is involved, the adult parties shall attend an educational program concerning the impact of divorce on children as provided in subsection B of Section 107.2 of this title.

Eighth. Habitual drunkenness.

Ninth. Gross neglect of duty.

Tenth. Imprisonment of the other party in a state or federal penal institution under sentence thereto for the commission of a felony at the time the petition is filed.

Eleventh. The procurement of a final divorce decree without this state by a husband or wife which does not in this state release the other party from the obligations of the marriage.

Twelfth. Insanity for a period of five (5) years, the insane person having been an inmate of a state institution for the insane in the State of Oklahoma, or inmate of a

state institution for the insane in some other state for such period, or of a private sanitarium, and affected with a type of insanity with a poor prognosis for recovery; provided, that no divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians, one of whom shall be a superintendent of the hospital or sanitarium for the insane, in which the insane defendant is confined, and the other two to be appointed by the court before whom the action is pending, and any two of such physicians shall agree that such insane person, at the time the petition in the divorce action is filed, has a poor prognosis for recovery; provided, further, however, that no divorce shall be granted on this ground to any person whose husband or wife is an inmate of a state institution in any other than the State of Oklahoma, unless the person applying for such divorce shall have been a resident of the State of Oklahoma for at least five (5) years prior to the commencement of an action; and provided further, that a decree granted on this ground shall not relieve the successful party from contributing to the support and maintenance of the defendant. The court shall appoint a guardian ad litem to represent the insane defendant, which appointment shall be made at least ten (10) days before any decree is entered.

Oregon

OR. REV. STAT. 107.025 *Irreconcilable differences as grounds for dissolution or separation.*
 §§ 107.025,
 107.036 (2015).

- (1) A judgment for the dissolution of a marriage or a permanent or unlimited separation may be rendered when irreconcilable differences between the parties have caused the irremediable breakdown of the marriage.
- (2) A judgment for separation may be rendered when:
 - (a) Irreconcilable differences between the parties have caused a temporary or unlimited breakdown of the marriage;
 - (b) The parties make and file with the court an agreement suspending for a period not less than one year their obligation to live together as husband and wife, and the court finds such agreement to be just and equitable; or
 - (c) Irreconcilable differences exist between the parties and the continuation of their status as married persons preserves or protects legal, financial, social or religious interest.

107.036 *Doctrines of fault and in pari delicto abolished; evidence and consideration of fault.*

- (1) The doctrines of fault and of in pari delicto are abolished in suits for the annulment or dissolution of a marriage or for separation.
- (2) The court shall not receive evidence of specific acts of misconduct, excepting where child custody is an issue and such evidence is relevant to that issue, or excepting at a hearing when the court finds such evidence necessary to prove irreconcilable differences.

		<p>(3) In dividing, awarding and distributing the real and personal property (or both) of the parties (or either of them) between the parties, or in making such property or any of it subject to a trust, and in fixing the amount and duration of the contribution one party is to make to the support of the other, the court shall not consider the fault, if any, of either of the parties in causing grounds for the annulment or dissolution of the marriage or for separation.</p> <p>(4) Where satisfactory proof of grounds for the annulment or dissolution of a marriage or for separation has been made, the court shall render a judgment for the annulment or dissolution of the marriage or for separation. A judgment of separation shall state the duration of the separation.</p>
<p>Pennsylvania</p>	<p>23 PA. CONS. § 3301. <i>Grounds for divorce</i> STAT. ANN. (West § 3301 (a) <i>Fault</i>.—The court may grant a divorce to the innocent and injured spouse whenever it is judged that the other spouse has:</p> <p>(1) Committed willful and malicious desertion, and absence from the habitation of the injured and innocent spouse, without a reasonable cause, for the period of one or more years.</p> <p>(2) Committed adultery.</p> <p>(3) By cruel and barbarous treatment, endangered the life or health of the injured</p>	<p>No-fault divorce Divorce by fault</p>

and innocent spouse.

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

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

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

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

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

(2) If a hearing has been held pursuant to paragraph (1)(ii) and the court deter-

mines 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.

(e) *No hearing required in certain cases.*—If grounds for divorce alleged in the complaint or counterclaim are established under subsection (c) or (d), the court shall grant a divorce without requiring a hearing on any other grounds.

Rhode Island

R.I. GEN. LAWS §§ 15-5-2, 15-5-3-1, 15-5-3, 15-5-9 (2013).

§ 15-5-2. *Additional grounds for divorce.*

No-fault divorce

Divorces from the bond of marriage shall also be decreed for the following causes:

- (1) Impotency;
- (2) Adultery;
- (3) Extreme cruelty;
- (4) Willful desertion for five (5) years of either of the parties, or for willful desertion for a shorter period of time in the discretion of the court;
- (5) Continued drunkenness
- (6) The habitual, excessive, and intemperate use of opium, morphine, or chloral;
- (7) Neglect and refusal, for the period of at least one year next before the filing of the petition, on the part of the husband to provide necessaries for the subsistence of his wife, the husband being of sufficient ability; and
- (8) Any other gross misbehavior and wickedness, in either of the parties, repugnant to and in violation of the marriage covenant.

§ 15-5-3.1. *Divorce on grounds of irreconcilable differences.*

(a) A divorce from the bonds of matrimony shall be decreed, irrespective of the fault

of either party, on the ground of irreconcilable differences which have caused the irremediable breakdown of the marriage.

(b) In any pleading or hearing for divorce under this section, allegations or evidence of specific acts of misconduct shall be improper and inadmissible, except for the purpose of making a determination pursuant to §§ 15-5-16 and 15-5-16.1, or where child custody is in issue and the evidence is relevant to establish that parental custody would be detrimental to the child, or at a hearing where it is determined by the court to be necessary to establish the existence of irreconcilable differences.

(c) Upon hearing of an action for divorce under this section, the acts of one party shall not negate the acts of the other nor bar the divorce decree.

§ 15-5-3. Separation of parties as ground for dissolution — Appeal

(a) Whenever, in the trial of any petition for divorce from the bond of marriage or any petition for dissolution of a marriage, it shall be alleged in the petition that the parties have lived separate and apart from each other for the space of at least three (3) years, whether voluntarily or involuntary, the court shall, upon a finding that the allegation is true, enter a judgment pending final judgment of divorce, which may include provisions for alimony.

(b) Final judgment shall not be entered until the expiration of twenty (20) days after entry of the judgment pending final judgment or, if the time for taking an appeal has been extended pursuant to Rule 4 of the Rules of Appellate Procedure, Article I, Rule 4 of the Supreme Court Rules, until the expiration of the extended period.

(c) Final judgment may be entered ex parte and in chamber on the suggestion of the prevailing party.

(d) If no final judgment is presented to the court for entry within thirty (30) days next after the expiration of twenty (20) days from the date of decision, after this a final judgment may be entered only in open court and on motion.

(e) Notice of the filing of the motion shall not be required in cases in which the original petition is unanswered.

(f) The taking of an appeal shall operate as a stay of the judgment during the pendency of the appeal. Upon motion and for good cause shown:

- (1) The family court may, prior to the filing of a notice of appeal, order that the judgment become final and operative immediately; and
- (2) The supreme court may, in the event an appeal is taken, vacate the automatic stay provided under this section.

§ 15-5-9. *Divorce from bed and board.*

Divorces from bed, board, and future cohabitation, until the parties are reconciled, may be granted for any of the causes for which by law a divorce from the bond of marriage may be decreed, and for other causes which may seem to require a divorce from bed and board; provided, the petitioner is a domiciled inhabitant of this state and has resided in this state for a length of time that, to the court in its discretion, seems to warrant the exercise of the powers in this section conferred. In case of a divorce from bed, board, and future cohabitation, the court may assign to the petitioner a separate maintenance out of the estate or property of the husband or wife, as the case may be, in a manner and of an amount as it may think necessary or proper.

<p><i>South Carolina</i></p>	<p>S.C. CODE ANN. § 20-3-10 (2014).</p>	<p>20-3-10. <i>Grounds for divorce.</i></p> <p>No divorce from the bonds of matrimony shall be granted except upon one or more of the following grounds, to wit:</p> <ul style="list-style-type: none"> (1) adultery; (2) desertion for a period of one year; (3) physical cruelty; (4) habitual drunkenness; provided, that this ground shall be construed to include habitual drunkenness caused by the use of any narcotic drug; or (5) on the application of either party if and when the husband and wife have lived separate and apart without cohabitation for a period of one year. A plea of res judicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground.
<p><i>South Dakota</i></p>	<p>S.D. CODIFIED LAWS § 25-4-2 (1999).</p>	<p>25-4-2. <i>Grounds for divorce.</i></p> <p>Divorces may be granted for any of the following causes:</p>

- (1) Adultery;
- (2) Extreme cruelty;
- (3) Willful desertion;
- (4) Willful neglect;
- (5) Habitual intemperance;
- (6) Conviction of felony;
- (7) Irreconcilable differences.

Tennessee

TENN. CODE. § 36-4-101. *Grounds for divorce from bonds of matrimony.* —
ANN. § 36-4-101
(2005 & Supp.
2008).

- (a) The following are causes of divorce from the bonds of matrimony:
- (1) Either party, at the time of the contract, was and still is naturally impotent and incapable of procreation;
 - (2) Either party has knowingly entered into a second marriage, in violation of a previous marriage, still subsisting;
 - (3) Either party has committed adultery; (4) Willful or malicious desertion or absence of either party, without a reasonable cause, for one (1) whole year;
 - (5) Being convicted of any crime that, by the laws of the state, renders the party infamous;
 - (6) Being convicted of a crime that, by the laws of the state, is declared to be a felony, and sentenced to confinement in the penitentiary;
 - (7) Either party has attempted the life of the other, by poison or any other means showing malice;
 - (8) Refusal, on the part of a spouse, to remove with that person's spouse to this state, without a reasonable cause, and being willfully absent from the spouse residing in Tennessee for two (2) years;

(9) The woman was pregnant at the time of the marriage, by another person, without the knowledge of the husband;

(10) Habitual drunkenness or abuse of narcotic drugs of either party, when the spouse has contracted either such habit after marriage;

(11) The husband or wife is guilty of such cruel and inhuman treatment or conduct towards the spouse as renders cohabitation unsafe and improper, which may also be re

ferred to in pleadings as inappropriate marital conduct;

(12) The husband or wife has offered such indignities to the spouse's person as to render the spouse's position intolerable, and thereby forced the spouse to withdraw;

(13) The husband or wife has abandoned the spouse or turned the spouse out of doors for no just cause, and has refused or neglected to provide for the spouse while having the ability to so provide;

(14) Irreconcilable differences between the parties; and

(15) For a continuous period of two (2) or more years that commenced prior to or after April 18, 1985, both parties have lived in separate residences, have not cohabited as man and wife during such period, and there are no minor children of the parties.

(b) A complaint or petition for divorce on any ground for divorce listed in this section must have been on file for sixty (60) days before being heard if the parties have no unmarried child under eighteen (18) years of age, and must have been on file at least ninety (90) days before being heard if the parties have an unmarried child under eighteen (18) years of age. The sixty-day or ninety-day period shall commence on the date the complaint or petition is filed.

Texas

TEX. FAM. CODE § 6.001. *Insupportability*

ANN. §§ 6.001-6.007 (West 2006 & Supp. 2013).

On the petition of either party to a marriage, the court may grant a divorce without regard to fault if the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

§ 6.002. *Cruelty*

The court may grant a divorce in favor of one spouse if the other spouse is guilty of cruel treatment toward the complaining spouse of a nature that renders further living together insupportable.

§ 6.003. *Adultery*

The court may grant a divorce in favor of one spouse if the other spouse has committed adultery.

§ 6.004. *Conviction of Felony*

(a) The court may grant a divorce in favor of one spouse if during the marriage the other spouse:

- (1) has been convicted of a felony;
- (2) has been imprisoned for at least one year in the Texas Department of Criminal Justice, a federal penitentiary, or the penitentiary of another state; and
- (3) has not been pardoned.

(b) The court may not grant a divorce under this section against a spouse who was convicted on the testimony of the other spouse.

§ 6.005. *Abandonment*

The court may grant a divorce in favor of one spouse if the other spouse:

- (1) left the complaining spouse with the intention of abandonment; and
- (2) remained away for at least one year.

§ 6.006. *Living Apart*

The court may grant a divorce in favor of either spouse if the spouses have lived apart without cohabitation for at least three years.

§ 6.007. *Confinement in Mental Hospital*

The court may grant a divorce in favor of one spouse if at the time the suit is filed:

- (1) the other spouse has been confined in a state mental hospital or private mental hospital, as defined in Section 571.003, Health and Safety Code, in this state or another state for at least three years; and
- (2) it appears that the hospitalized spouse's mental disorder is of such a degree and nature that adjustment is unlikely or that, if adjustment occurs, a relapse is probable.

Utah

UTAH CODE § 30-3-1. *Procedure—Residence—Grounds*
ANN. § 30-3-1
(West 2014).

- (1) Proceedings in divorce are commenced and conducted as provided by law for proceedings in civil causes, except as provided in this chapter.
- (2) The court may decree a dissolution of the marriage contract between the petitioner and respondent on the grounds specified in Subsection (3) in all cases where the petitioner or respondent has been an actual and bona fide resident of this state and of the county where the action is brought, or if members of the armed forces of the United States who are not legal residents of this state, where the petitioner has been stationed in this state under military orders, for three months next prior to the commencement of the action.
- (3) Grounds for divorce:
 - (a) impotency of the respondent at the time of marriage;
 - (b) adultery committed by the respondent subsequent to marriage;
 - (c) willful desertion of the petitioner by the respondent for more than one year;
 - (d) willful neglect of the respondent to provide for the petitioner the common necessities of life;
 - (e) habitual drunkenness of the respondent;
 - (f) conviction of the respondent for a felony;
 - (g) cruel treatment of the petitioner by the respondent to the extent of causing

bodily injury or great mental distress to the petitioner;

(h) irreconcilable differences of the marriage;

(i) incurable insanity; or

(j) when the husband and wife have lived separately under a decree of separate maintenance of any state for three consecutive years without cohabitation.

(4) A decree of divorce granted under Subsection (3)(j) does not affect the liability of either party under any provision for separate maintenance previously granted.

(5)(a) A divorce may not be granted on the grounds of insanity unless:

(i) the respondent has been adjudged insane by the appropriate authorities of this or another state prior to the commencement of the action; and

(ii) the court finds by the testimony of competent witnesses that the insanity of the respondent is incurable.

(b) The court shall appoint for the respondent a guardian ad litem who shall protect the interests of the respondent. A copy of the summons and complaint shall be served on the respondent in person or by publication, as provided by the laws of this state in other actions for divorce, or upon his guardian ad litem, and upon the county attorney for the county where the action is prosecuted.

(c) The county attorney shall investigate the merits of the case and if the respondent resides out of this state, take depositions as necessary, attend the proceedings, and make a defense as is just to protect the rights of the respondent and the interests of the state.

(d) In all actions the court and judge have jurisdiction over the payment of alimony, the distribution of property, and the custody and maintenance of minor children, as the courts and judges possess in other actions for divorce.

(e) The petitioner or respondent may, if the respondent resides in this state, upon notice, have the respondent brought into the court at trial, or have an examination of the respondent by two or more competent physicians, to determine the mental condition of the respondent. For this purpose either party may have leave from the court to enter any asylum or institution where the respondent may be confined.

The costs of court in this action shall be apportioned by the court.

<p>Vermont</p>	<p>VT. STAT. ANN. § 551. <i>Grounds for divorce from bond of matrimony</i> tit. 15, § 551 (2002).</p> <p>A divorce from the bond of matrimony may be decreed:</p> <p>(1) For adultery in either party;</p> <p>(2) When either party is sentenced to confinement at hard labor in the state prison in this state for life, or for three years or more, and is actually confined at the time of the bringing of the libel; or when either party being without the state, receives a sentence for an equally long term of imprisonment by a competent court having jurisdiction as the result of a trial in any one of the other states of the United States, or in a federal court, or in any one of the territories, possessions or other courts subject to the jurisdiction of the United States, or in a foreign country granting a trial by jury, and is actually confined at the time of the bringing of the libel;</p> <p>(3) For intolerable severity in either party;</p> <p>(4) For wilful desertion or when either party has been absent for seven years and not heard of during that time;</p> <p>(5) On complaint of either party when one spouse has sufficient pecuniary or physical ability to provide suitable maintenance for the other and, without cause, persistently refuses or neglects so to do;</p> <p>(6) On the ground of incurable insanity of either party, as provided for in sections 631-637 of this title;</p> <p>(7) When a married person has lived apart from his or her spouse for six consecutive months and the court finds that the resumption of marital relations is not reasonably probable.</p>
<p>Virginia</p>	<p>VA. CODE ANN. § 20-91. <i>Grounds for divorce from bond of matrimony; contents of decree —</i> § 20-91 (2008).</p> <p>A. A divorce from the bond of matrimony may be decreed:</p> <p>(1) For adultery; or for sodomy or buggery committed outside the marriage;</p> <p>(2) [Repealed.]</p>

(3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced to confinement for more than one year and confined for such felony subsequent to such conviction, and cohabitation has not been resumed after knowledge of such confinement (in which case no pardon granted to the party so sentenced shall restore such party to his or her conjugal rights);

(4), (5) [Repealed.]

(6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt, or willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a period of one year from the date of such act; or

(7), (8) [Repealed.]

(9)(a) On the application of either party if and when the husband and wife have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when the husband and wife have lived separately and apart without cohabitation and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that either party has been adjudged insane, either before or after such separation has commenced, but at the expiration of one year or six months, whichever is applicable, from the commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

(b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a party thereto.

(c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any obligation any party may otherwise have to support the spouse unless such party shall prove that there exists in the favor of such party some other ground of divorce

under this section or § 20-95.

B. A decree of divorce shall include each party's social security number, or other control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

<p>Washington</p>	<p>WASH. REV. CODE. ANN. § 26.09.030 (West 2005 & Supp. 2010).</p>	<p>26.09.030. <i>Petition for dissolution of marriage or domestic partnership—Court proceedings, findings—Transfer to family court—Legal separation in lieu of dissolution</i></p> <p>When a party who (1) is a resident of this state, or (2) is a member of the armed forces and is stationed in this state, or (3) is married or in a domestic partnership to a party who is a resident of this state or who is a member of the armed forces and is stationed in this state, petitions for a dissolution of marriage or dissolution of domestic partnership, and alleges that the marriage or domestic partnership is irretrievably broken and when ninety days have elapsed since the petition was filed and from the date when service of summons was made upon the respondent or the first publication of summons was made, the court shall proceed as follows:</p> <p>(a) If the other party joins in the petition or does not deny that the marriage or domestic partnership is irretrievably broken, the court shall enter a decree of dissolution.</p> <p>(b) If the other party alleges that the petitioner was induced to file the petition by fraud, or coercion, the court shall make a finding as to that allegation and, if it so finds shall dismiss the petition.</p> <p>(c) If the other party denies that the marriage or domestic partnership is irretrievably broken the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospects for reconciliation and shall:</p> <p>(i) Make a finding that the marriage or domestic partnership is irretrievably broken and enter a decree of dissolution of the marriage or domestic partnership; or</p> <p>(ii) At the request of either party or on its own motion, transfer the cause to the family court, refer them to another counseling service of their choice, and request a report back from the counseling service within sixty days, or continue the matter for not more than sixty days for hearing. If the cause is returned from the family court or at the adjourned hearing, the court shall:</p> <p>(A) Find that the parties have agreed to reconciliation and dismiss the petition; or</p>	<p>No-fault divorce.</p>
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(B) Find that the parties have not been reconciled, and that either party continues to allege that the marriage or domestic partnership is irretrievably broken. When such facts are found, the court shall enter a decree of dissolution of the marriage or domestic partnership.

(d) If the petitioner requests the court to decree legal separation in lieu of dissolution, the court shall enter the decree in that form unless the other party objects and petitions for a decree of dissolution or declaration of invalidity.

(e) In considering a petition for dissolution of marriage or domestic partnership, a court shall not use a party's pregnancy as the sole basis for denying or delaying the entry of a decree of dissolution of marriage or domestic partnership. Granting a decree of dissolution of marriage or domestic partnership when a party is pregnant does not affect further proceedings under the uniform parentage act, chapter 26.26 RCW.

<p>West Virginia</p>	<p>W. VA. CODE ANN. §§ 48-5-201 to -209 (LexisNexis 2009).</p>	<p>§ 48-5-201. <i>Grounds for divorce; irreconcilable differences.</i></p> <p>The court may order a divorce if the complaint alleges that irreconcilable differences exist between the parties and an answer is filed admitting that allegation. A complaint alleging irreconcilable differences shall set forth the names of any dependent children of either or both of the parties. A divorce on this ground does not require corroboration of the irreconcilable differences or of the issues of jurisdiction or venue. The court may approve, modify or reject any agreement of the parties and make orders concerning spousal support, custodial responsibility, child support, visitation rights or property interests.</p> <p>§ 48-5-202. <i>Grounds for divorce; voluntary separation.</i></p> <p>(a) A divorce may be ordered when the parties have lived separate and apart in separate places of abode without any cohabitation and without interruption for one year. The separation may occur as a result of the voluntary act of one of the parties or the mutual consent of both parties.</p> <p>(b) Allegations of res judicata or recrimination with respect to any other alleged grounds for divorce are not a bar to either party obtaining a divorce on the ground of voluntary separation.</p> <p>(c) When required by the circumstances of a particular case, the court may receive evidence bearing on alleged marital misconduct and may consider issues of fault for the limited purpose of deciding whether spousal support should be awarded. Estab-</p>	<p>No-fault divorce</p>
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ishment of fault does not affect the right of either party to obtain a divorce on the ground of voluntary separation.

§ 48-5-203. Grounds for divorce; cruel or inhuman treatment.

(a) A divorce may be ordered for cruel or inhuman treatment by either party against the other. Cruel or inhuman treatment includes, but is not limited to, the following:

(1) Reasonable apprehension of bodily harm;

(2) False accusation of adultery or homosexuality; or

(3) Conduct or treatment which destroys or tends to destroy the mental or physical well-being, happiness and welfare of the other and render continued cohabitation unsafe or unendurable.

(b) It is not necessary to allege or prove acts of physical violence in order to establish cruel and inhuman treatment as a ground for divorce.

§ 48-5-204. Grounds for divorce; adultery.

A divorce may be ordered for adultery. Adultery is the voluntary sexual intercourse of a married man or woman with a person other than the offender's wife or husband. The burden is on the party seeking the divorce to prove the alleged adultery by clear and convincing evidence.

§ 48-5-205. Grounds for divorce; conviction of crime.

A divorce may be ordered when either of the parties subsequent to the marriage has, in or out of this state, been convicted for the commission of a crime that is a felony, and the conviction is final.

§ 48-5-206. Grounds for divorce; permanent and incurable insanity.

(a) A divorce may be ordered for permanent and incurable insanity, only if the person is permanently and incurably insane and has been confined in a mental hospital or other similar institution for a period of not less than three consecutive years next preceding the filing of the complaint and the court has heard competent medical testimony that such insanity is permanently incurable.

(b) A court granting a divorce on this grounds may in its discretion order support and

maintenance for the permanently incurably insane party by the other.

(c) In an action for divorce or annulment, where the petitioner is permanently incurably insane, the respondent shall not enter a plea of recrimination based upon the insanity of the petitioner.

§ 48-5-207. *Grounds for divorce; habitual drunkenness or drug addiction.*

(a) A divorce may be ordered for habitual drunkenness of either party subsequent to the marriage.

(b) A divorce may be ordered for the addiction of either party, subsequent to the marriage, to the habitual use of any narcotic or dangerous drug defined in this code.

§ 48-5-208. *Grounds for divorce; desertion.*

A divorce may be ordered to the party abandoned, when either party willfully abandons or deserts the other for six months.

§ 48-5-209. *Grounds for divorce; abuse or neglect of a child.*

(a) A divorce may be ordered for abuse or neglect of a child of the parties or of one of the parties, “abuse” meaning any physical or mental injury inflicted on such child including, but not limited to, sexual molestation; and “neglect” is willful failure to provide, by a party who has legal responsibility for such child, the necessary support, education as required by law, or medical, surgical or other care necessary for the well-being of such child.

(b) A divorce shall not be granted on this ground except upon clear and convincing evidence sufficient to justify permanently depriving the offending party of any allocation of custodial responsibility for the abused or neglected child.

Wisconsin	WIS. STAT. ANN. § 767.315 (West 2009).	767.315. <i>Grounds for divorce and legal separation</i>	No-fault divorce
		(1) <i>Irretrievable breakdown.</i> (a) If both of the parties to a legal separation or divorce action by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or if the parties have voluntarily lived apart continuously for 12 months or more immediately prior to commencement of the action and one party has so stated, the court, after hearing, shall make a finding that the marriage is irretrievably broken for purposes of s. 767.35(1)(b)1.	

(b) If the parties to a legal separation or divorce action have not voluntarily lived apart for at least 12 months immediately prior to commencement of the action and if only one party has stated under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to filing the petition and the prospect of reconciliation, and proceed as follows:

1. If the court finds no reasonable prospect of reconciliation, it shall make a finding that the marriage is irretrievably broken for purposes of s. 767.35(1)(b)1.

2. If the court finds that there is a reasonable prospect of reconciliation, it shall continue the matter for further hearing not fewer than 30 nor more than 60 days later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. The court, at the request of either party or on its own motion, may order counseling. At the adjourned hearing, if either party states under oath or affirmation that the marriage is irretrievably broken, the court shall make a finding whether the marriage is irretrievably broken for purposes of s. 767.35(1)(b)1.

(2) *Breakdown of marital relationship.* If both of the parties to a legal separation or divorce action by petition or otherwise have stated under oath or affirmation that the marital relationship is broken, the court, after hearing, shall make a finding that the marital relationship is broken for purposes of s. 767.35(1)(b)2.

<p>Wyoming</p>	<p>WYO. ANN. §§ 20-2-104 to 20-2-105 (2009).</p>	<p>STAT. § 20-2-104. <i>Causes for divorce generally; venue generally.</i></p> <p>A divorce may be decreed by the district court of the county in which either party resides on the complaint of the aggrieved party on the grounds of irreconcilable differences in the marital relationship.</p> <p>§ 20-2-105. <i>Divorce action for insanity; when permitted; conditions to bringing action; liability for support.</i></p> <p>(a) A divorce may be granted when either party has become incurably insane and the insane person has been confined in a mental hospital of this state or of another state or territory for at least two (2) years immediately preceding the commencement of the action for divorce.</p> <p>(b) Upon the filing of a verified complaint showing that a cause of action exists under</p>	<p>No-fault divorce</p>
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this section, the district court shall appoint some person to act as guardian of the insane person in the action. The summons and complaint in the action shall be served upon the defendant by delivering a copy of the summons and complaint to the guardian and to the county attorney of the county in which the action is brought.

(c) The county attorney upon whom the summons and complaint is served shall appear for and defend the defendant in the action. No divorce shall be granted under this section except in the presence of the county attorney.

(d) In any action brought under this section, the district courts possess all the powers relative to the payment of alimony, the distribution of property and the care, custody and maintenance of the children of the parties as in other actions for divorce.

(e) Costs in the action, as well as the actual expenses of the county attorney and the expenses and fees of the guardian, shall be paid by the plaintiff. The expenses of the county attorney and expenses and fees of the guardian shall be fixed and allowed by the court, and the court may make such order as to the payment of fees and expenses as may seem proper.

II. GROUNDS FOR DIVORCE IN EUROPE

Country	Reference	Cause	Type
Albania	FAMILY CODE OF ALBANIA, CHEMONICS INT'L INC. 24-25 (2004), http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/65148/89474/F1958881334/ALB65148%20(English).pdf .	<p><i>Art. 125 - Uncontested Divorce</i></p> <p>When spouses agree on the dissolution of marriage, they submit to the court for approval, together with the request, a settlement agreement that stipulates the terms for the dissolution of the marriage.</p> <p>The request can be submitted by the spouses or their respective representatives.</p> <p><i>Dissolution of marriage based on a period of separation</i></p> <p><i>Art. - 129</i></p> <p>Either spouse can request dissolution of their marriage when they have lived separately for a period of 3 years.</p> <p>A spouse requesting dissolution of the marriage, based on the previous paragraph of this article, should specify in his/her petition the provisions for child support and alimony.</p> <p><i>Dissolution of marriage based on the request of one spouse</i></p> <p><i>Art. - 132</i></p> <p>Either spouse can request the dissolution of marriage when, due to continuous quarrels, maltreatment, severe insults, adultery, incurable mental illness, lengthy penal punishment of the spouse or due to any other cause constituting repeated violations of marital obligations, a joint life becomes impossible and the marriage has lost its purpose for one or for both of the spouses.</p> <p><i>Art. - 133</i></p> <p>The court may assign fault, in the dissolution of the marriage, only when requested to by one or both spouses.</p>	<p>No-fault divorce</p> <p>Uncontested divorce</p> <p>Divorce by fault</p>
Austria	MARIANNE ROTH, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER	The grounds for divorce are governed by section 49 <i>et seq</i> Austrian Marriage Act. Austrian divorce law provides for divorce on three	<p>No-fault divorce</p> <p>Divorce by fault</p>

	<p>SPOUSES, AUSTRIA 2 (2002), http://ceflonline.net/wp-content/uploads/Austria-Divorce.pdf.</p>	<p>grounds:</p> <ul style="list-style-type: none"> • Section 49 Austrian Marriage Act: Divorce on the ground of fault • Sections 50–55 Austrian Marriage Act: Divorce on the grounds of irretrievable breakdown • Section 55a Austrian Marriage Act: Divorce by consent 	
<p><i>Belgium</i></p>	<p>WALTER PINTENS & EVI TORFS, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, BELGIUM 4 (2002), http://ceflonline.net/wp-content/uploads/Belgium-Divorce.pdf.</p> <p><i>Family Matters</i>, EUR. JUST., https://e-justice.europa.eu/content_divorce-45-be-en.do?init=true (last updated July 18, 2014).</p>	<p>Divorce by consent (Article 233 Belgian Civil Code), divorce on the ground of fault (Articles 229 and 231 Belgian Civil Code), divorce on the ground of separation (Article 232(1) Belgian Civil Code) and divorce by transforming a decree of judicial separation into a divorce. A fifth ground, divorce on the ground of separation due to a mental illness of one spouse (Article 232(2) Belgian Civil Code), will be dealt with separately under <i>divorce on the ground of separation</i>, when necessary.</p> <p>In Belgian legislation, the grounds for divorce are adultery (Section 229 of the Civil Code), excesses, physical or mental cruelty (Section 231) and de facto separation (Section 232). Although jurisprudence has given an extensive interpretation of the notion of serious injury, this should always fall within the domain of the spouses' mutual obligations.</p> <p>Whatever the material fact invoked, it must meet four conditions in order to constitute a ground for divorce, namely, it must involve a serious failure to comply with the obligations arising from the marriage, the failure must be deliberate and imputable to the spouse who is the perpetrator thereof, the failure must be offensive to the spouse who is the victim thereof, and the fact must have occurred during the marriage or at least be concomitant therewith.</p>	<p>No-fault divorce Divorce by fault</p>
<p><i>Bosnia and Herzegovina</i></p>	<p>COUNCIL OF EUROPE, COUNCIL OF EUROPE FAMILY POLICY DATABASE 2 (2009), http://www.coe.int/t/dg3/familypolicy/Source/4_2_i%20Legislation%20on%20divorce.pdf.</p>	<p>FBiH: Article 41 of the Family Law of FBiH prescribes that a spouse may request divorce if marital relations are seriously and permanently disturbed. A divorce may be requested by filing the suit or request for mutually consented divorce (Article 42). A husband is not entitled to file a divorce suit during his wife's pregnancy or until their child turns three years of age.</p> <p>Article 224. prescribes that a spouse who does not have sufficient funds for living or cannot generate them from own property and is incapacitated for work or cannot find a job, is entitled to support by his/her spouse according to spouse's possibilities.</p> <p>....</p>	<p>No-fault divorce</p>

		Grounds - marital relations are seriously and permanently disturbed. Guilt is not established.	
<i>Bulgaria</i>	VELINA TODOROVA, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, BULGARIA 9 (2002), http://ceflonline.net/wp-content/uploads/Bulgaria-Divorce.pdf .	Two grounds for divorce are set out in the Bulgarian Family Code: irretrievable breakdown of the marriage and mutual consent. (a) Divorce through breakdown of the marriage: Article 99 (1) Each of the spouses is entitled to petition for divorce where there has been a 'serious and irretrievable breakdown' of the marriage. (2) When granting the decree of divorce the court makes a ruling on its own motion on the issue of the fault for the breakdown of the marriage, unless the breakdown is caused by objective factors which cannot be ascribed as the fault of either spouse. (3) The court does not rule on the issue of fault for the breakdown of the marriage where the spouses so request and they submit to the court their agreement on the custody of any children and access to and maintenance of the children, and also on the division of their property, the use of the matrimonial home, the payment of maintenance and the use of the family name. (4) A divorce is not allowed where the breakdown of the marriage is due solely to the misconduct of the petitioner and the respondent wishes to preserve the marriage, unless there are important reasons why the divorce action must continue. (b) Divorce by mutual consent: Article 100. Where there is serious and firm agreement between the parties about the divorce, the court allows it without investigating their motives for terminating the marriage. A petition for a divorce by mutual consent cannot be filed until three years after the contraction of the marriage.	No-fault divorce

Croatia	IVANA KUNDA <i>ET AL.</i> , FAMILY LAW IN CROATIA 115 (2011), http://books.google.com.pr/books?id=QrH6CPv4KVMC&pg=PA1&source=gb_s_selected_pages&cad=2#v=onepage&q&f=false .	According to the provision under article 43 of the FA 2003, the court shall grant a divorce if it establishes that: — matrimonial relations have severely and permanently deteriorated; or — a year has passed since termination of the marital union; or — both spouse applied the consensual divorce.	No-fault
Czech Republic	MILANA HRUSAKOVÁ, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, CZECH REPUBLIC 7 (2002), http://ceflonline.net/wp-content/uploads/Czech-Divorce.pdf .	Under Czech law there is only a single ground for divorce, which is the irretrievable breakdown of marriage. The ways of divorcing only differ from one another as to whether the irretrievable breakdown, including the causes thereof, must be proved or whether the law determines that there is an irrefutable presumption that the marriage has broken down in a given case or whether, indeed, despite proof as to the irretrievable breakdown, the petition still has to be dismissed as a result of the so-called <i>hardship</i> clause. An essential precondition within §24(1) Family Code is the fact that the court may grant the divorce when the marriage has so seriously and permanently broken down that restoring matrimonial cohabitation cannot be expected. The causes of the marriage breakdown are taken into consideration by the court.	No-fault divorce
Denmark	INGRID LUND-ANDERSEN & LISE KRABBE, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, DENMARK 3 (2002), http://ceflonline.net/wp-content/uploads/Denmark-Divorce.pdf .	The grounds for divorce are contained in the Danish Marriage Act: <ul style="list-style-type: none"> • separation (see section 31, and Question 2) • living apart for two years due to incompatibility (see section 32) • adultery (see section 33) • violence (see section 34) • bigamy (see section 35) 	No-fault divorce Divorce by fault
Estonia	<i>Divorce - Estonia</i> , EUR. JUD. NETWORK CIV. AND COM. MATTERS, http://ec.europa.eu/civiljustice/divorce/divorce_est_en.htm (last updated June 11, 2006).	If divorce is petitioned for at a vital statistics office, the common agreement of the spouses about the divorce and all matters relating thereto is the only ground for granting the divorce. In case a court is competent to decide upon granting the divorce, the court must ascertain that continuation of marriage is impossible (i.e., irreparable breakdown of marriage).	No-fault divorce Common agreement
Finland	MATTI SAVOLAINEN, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER	[W]ithin the main system of divorce rules under the Marriage Act there are no <i>grounds</i> for divorce whatsoever. The only <i>ground</i> for	No-fault divorce

	<p>SPOUSES, FINLAND 3 (2002), http://ceflonline.net/wp-content/uploads/Finland-Divorce.pdf.</p>	<p>divorce is simply a request for a divorce by means of a written application by both spouses or by one of them and which shall be renewed after the expiry of the mandatory six months' period for reflection and consideration.</p> <p>However, the Marriage Act does contain one specific <i>ground</i> for divorce. If the spouses have de facto lived apart for a period of at least two years, each spouse is entitled to apply for an immediate divorce without the mandatory six-month period which would otherwise be applicable.</p>	
France	<p>CODE CIVIL [C. CIV.] arts. 229, 238, 242, available at www.legifrance.gouv.fr/content/download/1950/13681/.../Code_22.pdf.</p>	<p><i>Art. 229</i> Divorce may be decreed in cases either:</p> <ul style="list-style-type: none"> - of mutual consent; or - of acceptance of the principle of the breakdown of the marriage; or - of irretrievable impairing of the marriage tie; or - of fault. <p><i>Art. 238</i> An irretrievable impairing of the marriage tie shall result from the ending of the community of life between the spouses, where they have been living apart for two years before the summons.</p> <p>Notwithstanding the preceding provisions, divorce shall be decreed for irretrievable impairing of the marriage tie in the circumstances referred to in Article 246, paragraph 2, where the petition presented on this ground is lodged as a reconvention.</p> <p><i>Art. 242</i> A petition for divorce may be presented by a spouse where facts which constitute a serious or renewed violation of the duties and obligations of marriage are ascribable to the other spouse and render unbearable the continuance of community life.</p>	<p>No-fault divorce Divorce by fault</p>
Germany	<p>DIETER MARTINY & DIETER SCHWAB, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, GERMANY 4-5 (2002) (footnote omitted), http://ceflonline.net/wp-content/uploads/Germany-Divorce.pdf.</p>	<p>There is only one ground for divorce: the breakdown of the marriage (§ 1565 I 1 German Civil Code), see Question 11. According to the definition provided for in § 1565 I 2 German Civil Code, a marriage fails if the marital community of the spouses no longer exists and there can be no expectation that the spouses will restore it. This is identical to the irretrievable breakdown of the marriage. The Family Law Court has to analyze the state of the marriage and to arrive at a pre-</p>	<p>No-fault divorce</p>

diction as to the chances of reconciliation. To avoid prying into the inner workings of the marriage, the Code provides two conclusive presumptions for the failure of a marriage:

- According to § 1566 I German Civil Code, there is a conclusive presumption of the failure of a marriage if the spouses have been separated for a year and both spouses petition for divorce or the other spouse consents to the divorce.
- According to § 1566 II German Civil Code, the same presumption applies where the spouses have been separated for three years.

The principle is limited by three exceptions (hardship clauses):

- § 1565 II German Civil Code: If the spouses have been separated for less than a year, the marriage may only be dissolved if the continuation of the marriage would result in unreasonable hardship to the petitioner owing to causes attributable to the other spouse. Divorce will therefore only be possible where the spouses have been separated for at least a year.
- § 1568 Alt. 1 German Civil Code: A marriage shall not be severed also when it has failed, if and as long as the maintenance of the marriage is a necessary exception for special reasons in the interest of minor children born of the marriage or,
- § 1568 Alt. 2 German Civil Code: when and as long as the divorce would result in hardship which is so severe to the party opposing the application owing to exceptional circumstances, that the maintenance of the marriage, also when the interest of the petitioner is taken into account, appears to be a necessary exception.

<p>Greece</p>	<p>ACHILLES G. KOUTSOURADIS, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, GREECE 2 (2002), http://ceflonline.net/wp-content/uploads/Greece-Divorce.pdf.</p> <hr/> <p>ASTIKOS KODIKAS [A.K.] [CIVIL CODE] 7:1439-1441, available at http://ceflonline.net/wp-content/uploads/Greece-Divorce-</p>	<p>Since the reformation of Hellenic family law which took place in 1983, a divorce can be granted on the ground of the irretrievable breakdown of the matrimonial bond (Article 1439 §§ 1 and 2), on the ground of consensual separation (divorce by consensus) and in the case of an officially declared absence.</p> <hr/> <p>Article 1439</p> <p>Each of the spouses may demand a divorce where their relationship</p>	<p>No-fault divorce</p>
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Legislation.pdf.

has been so strongly impaired on a ground imputable to the person of the defendant (petitioner) or also to both spouses that the continuation of the conjugal relationship became justifiably unbearable for the plaintiff (respondent).

To the extent [sic] that the defendant (petitioner) does not adduce proof to the contrary impairment shall be presumed in case of bigamy or adultery of the defendant abandonment of the plaintiff or plotting against the plaintiff's life by the defendant.

Where the spouses have been in dissension continually for at least four years the presumption of impairment shall not admit of proof to the contrary and a divorce may be demanded even if the ground of impairment is imputable to the person of the plaintiff. The completion of the time period of dissension shall not be prevented by small interruptions that occurred as attempts for restoring relation between the spouses.

Article 1440

Each of the spouses may demand a divorce by reason of an officially declared absence of the other.

Article 1441

When the spouses agree to divorce they may demand the divorce by a joint request which is prosecuted in accordance with the procedure pertaining to voluntary jurisdiction (consensual divorce).

In order that a consensual divorce may be granted the marriage must have lasted at least one year before the filing of the request and the agreement of the spouses must be declared in Court by them personally or by a specially authorized representative (attorney at law) in the course of two hearings distant from each other by six months at least. The special power of attorney must have been given within the last month before each hearing. Where two years have been elapsed since the first hearing the declared agreement of the spouses shall cease to be effective.

If there are minor children in order that the divorce may be granted

		<p>a written agreement of the spouses must be submitted regulating the guardianship of the children and the personal contacts with them. Such agreement shall be confirmed by the court and remain in force until a decision has been given in this matter pursuant to the provisions of Article 1513.</p>	
<i>Hungary</i>	<p>EMILA WEISS & ORSOLYA SZEIBERT, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, HUNGARY 4 (2002), http://ceflonline.net/wp-content/uploads/Hungary-Divorce.pdf.</p>	<p>Under Hungarian family law no grounds for divorce are specifically enumerated. The marriage may be dissolved if married life has broken down completely and irretrievably.</p> <p>To some extent, a divorce by mutual consent is dealt with somewhat differently: mutual consent makes it unnecessary to investigate the reasons for the breakdown of the marriage if this consent also include [sic] an agreement on accessory issues. In such a case there is a presumption that the marriage has broken down.</p>	No-fault divorce
<i>Ireland</i>	<p><i>Family Law (Divorce) Act, 1996</i>, IRISH STATUTE BOOK, http://www.irishstatutebook.ie/1996/en/act/pub/0033/sec0005.html (last visited Feb. 21, 2015).</p>	<p>5.—(1) Subject to the provisions of this Act, where, on application to it in that behalf by either of the spouses concerned, the court is satisfied that—</p> <p>(a) at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years,</p> <p>(b) there is no reasonable prospect of a reconciliation between the spouses, and</p> <p>(c) such provision as the court considers proper having regard to the circumstances exists or will be made for the spouses and any dependent members of the family,</p> <p>the court may, in exercise of the jurisdiction conferred by Article 41.3.2° of the Constitution, grant a decree of divorce in respect of the marriage concerned.</p> <p>2) Upon the grant of a decree of divorce, the court may, where appropriate, give such directions under section 11 of the Act of 1964 as it considers proper regarding the welfare (within the meaning of that Act), custody of, or right of access to, any dependent member of the family concerned who is an infant (within the meaning of that Act) as if an application had been made to it in that behalf under that section.</p>	No-fault divorce Divorce by separation

GEOFFREY SHANNON, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, REPUBLIC OF IRELAND 9-10 (2002) (footnote omitted), <http://ceflonline.net/wp-content/uploads/Ireland-Divorce.pdf>.

The Irish court may grant a decree of divorce if either spouse is domiciled in Ireland on the date of the institution of the divorce proceedings or, alternatively, either of the spouses was ordinarily resident in Ireland throughout the period of one year ending on that date.

Section 5(1) of the Family Law (Divorce) Act 1996 sets out the grounds upon which a court will grant a decree of divorce on application by either spouse. These grounds are as follows:

- at the date of the institution of the proceedings, the spouses have lived apart from one another for a period of, or periods amounting to, at least four years during the previous five years,
- there is no reasonable prospect of a reconciliation between the spouses, and
- such provision as the court considers proper having regard to the circumstances exists or will be made for the spouses and any dependent members of the family . . .

All of these grounds must be satisfied before a decree can be granted.

Iceland

Divorce, KVENNARÁDGJÖFIN, <http://www.kvennaradgjofin.is/english/issues/divorce/55-divorce.html> (last visited Feb. 21, 2015).

Legal Separation

If either one or both spouses/partners have a child under 18 years of age in their custody, a conciliation procedure before a priest or a recognized representative of a religious organization to which they belong is required. If one or both spouses/partners do not belong to any religious organization, the district Commissioner (*sýslumaður*) or the judge, depending on the authority in charge of the matter, may attempt conciliation. Before legal separation is granted, either a written agreement on the settlement of assets and debts shall be concluded, or an official settlement procedure initiated.

. . . .

Divorce follows legal separation or is granted directly if the following circumstances apply (skip over legal separation stage):

- a) In case either spouse/partner commits adultery or behaves in an adulterous way
- b) If it is established that one spouse/partner [sic] has commit-

	<p>ted physical assault, or a sexual offence directed against the other spouse/partner or a child residing in their home, and, in the case of physical assault, it has resulted in injury or damage to the health of the victim. The same applies if one spouse/partner conducts himself or herself in a manner suited to cause serious fear that he or she will commit such assault/sexual offence.</p> <p>c) If the spouses/partners have lived separately by their own choice due to irreconcilable differences, for a period of at least two years, they may receive a divorce directly upon application.</p>
<p><i>Italy</i></p> <p>SALVATORE PATTI <i>ET AL.</i>, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, ITALY 6 n.13 (2002), http://ceflonline.net/wp-content/uploads/Italy-Divorce.pdf.</p>	<p>Article 3, Italian Divorce Law: ‘Application for dissolution of the marriage or termination of the civil effects of the marriage may be made by one of the spouses if, after celebration of the marriage, the other spouse has been sentenced by final judgment for offences, including offences committed previously:</p> <p>to life imprisonment or to a term of imprisonment exceeding fifteen years, including cumulative terms imposed by various judgments for one or more crimes committed without malice aforethought, with the exception of political crimes and crimes committed for particular moral or social beliefs;</p> <p>to any term of imprisonment for a crime defined in Article 564 of the Criminal Code or one of the crimes defined in Articles 519, 521, 523 and 524 of the Criminal Code or for induction, coercion, exploitation or the aiding and abetting of prostitution; to any judgment for the willful murder of one’s child or for attempted murder of one’s spouse or of the child;</p> <p>to any term of imprisonment imposed by two or more judgments for the crimes defined in Article 582, if there are aggravating circumstances to the detriment of the spouse or the child in the sense of the second § of Article 583 and Articles 570, 572 and 643 of the Criminal Code.</p> <p>In the cases mentioned at (d) the competent judge who pronounces the dissolution of marriage or the ending of the civil effects of marriage shall verify that there is no prospect of the family continuing to live together or resuming living together, taking into consideration the future behavior of the spouse.</p> <p>With respect to all possibilities mentioned in § 1 of the present Article the petition may not be presented by the spouse who has been sentenced for complicity in a crime when married life is resumed . . .</p>

Latvia	<p>U.R., THE CIVIL LAW 10 (Translation and Terminology Center trans., 2007), available at http://www.ur.gov.lv/faili/ENGLISH%20Normative%20akti/civillikums.doc.</p>	<p><i>V. Dissolution of Marriage</i></p> <p>....</p> <p>70. A court may dissolve a marriage based upon the application of one or both spouses. [12 December 2002]</p> <p>71. A marriage may be dissolved if the marriage is broken down. A marriage shall be deemed to have broken down if the spouses no longer cohabit and there is no longer any prospect that the spouses shall renew cohabitation. [12 December 2002]</p> <p>72. A marriage is presumed to have broken down if the spouses have lived apart for at least three years. [12 December 2002]</p> <p>73. Spouses shall have lived apart if they do not have a common household and one of the spouses explicitly does not want to renew it and disavows the possibility of cohabitation in marriage. A common household may not exist also when the spouses live separately in a common dwelling. [12 December 2002]</p> <p>74. If the spouses have lived separately for less than three years, the marriage may be dissolved only in the case if:</p> <ol style="list-style-type: none"> 1) the continuation of the marriage for the spouse who has requested the dissolution of the marriage is not possible due to reasons that are dependent upon the other spouse and due to which cohabitation with him or her would be intolerable cruelty towards the spouse who has requested the dissolution of the marriage; 2) both spouses request the dissolution of the marriage or one spouse consents to the request of the other spouse for the dissolution of the marriage; or 3) one of the spouses has commenced cohabitation with another person and in such cohabitation a child has been born or the birth of a child is expected. <p>If a court believes that given the circumstances referred to in Para-</p>	No-fault divorce
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		graph one of this Section it is possible to save the marriage, for the purposes of the reconciliation of the spouses the adjudication of the matter may be adjourned for a period of up to six months. [12 December 2002]	
<i>Lithuania</i>	CIVIL CODE OF THE REPUBLIC OF LITHUANIA arts. 3.51, 3.55, available at http://bibliotecanonica.net/docsac/btcacj.htm#_Toc231739365 .	<p><i>Article 3.51. Conditions for divorce</i></p> <ol style="list-style-type: none"> 1. A marriage may be dissolved by the mutual consent of the spouses provided all the following conditions have been satisfied: <ol style="list-style-type: none"> 1) over a year has elapsed from the commencement of the marriage; 2) the spouses have made a contract in respect of the consequences of their divorce (property adjustment, maintenance payments for the children, etc.); 3) both the spouses have full active legal capacity. 2. In cases provided for in this Article divorce shall be obtained under simplified procedures. <p><i>Article 3.55. Conditions for obtaining divorce</i></p> <ol style="list-style-type: none"> 1. A marriage may be dissolved on the application of one of the spouses filed with the court of the district where the applicant resides, if at least one of the following conditions are satisfied: <ol style="list-style-type: none"> 1) the spouses have been separated for over a year; 2) after the formation of the marriage one of the spouses has been declared legally incapacitated by the court; 3) one of the spouses has been declared missing by the court; 4) one of the spouses has been serving a term of imprisonment for over a year for the commission of a non-premeditated crime. 2. On behalf of the spouse lacking legal capacity the application for divorce may be filed by his or her guardian, a public prosecutor or a guardianship and care institution. 	No-fault divorce
<i>Luxembourg</i>	<i>Divorce - Luxembourg</i> , EUR. JUD. NETWORK CIV. AND COM. MATTERS, http://ec.europa.eu/civiljustice/divorce/divorce_lux_en.htm#2 (last updated Mar. 8, 2007).	<p><i>a. Divorce by mutual consent</i></p> <p>Divorce by mutual consent can be granted only after two years of marriage. Each of the spouses must be at least 21 years old.</p>	No-fault divorce Divorce by fault

If the spouses have property that must be divided, a notary must draw up an inventory and estimate its value. They then settle at their discretion their respective rights to the property concerned. However, if there is no property to be inventorised, the intervention of the notary is not required.

The spouses must reach an agreement on their residence during the proceedings, on the arrangements for their children during and after these proceedings, on the contribution of each of the spouses to the education and maintenance of the children before and after the divorce and, finally, on the amount of any maintenance to be paid by one of the spouses to the other spouse during the proceedings and after the divorce has been granted. This agreement must take the form of a document signed by both spouses.

b. Divorce on the grounds of cruel, inhuman or degrading treatment (referred to as fault divorce)

Fault divorce is subject to proof of cruel, inhuman or degrading treatment by one spouse towards the other. Not only must such actions constitute a serious or repeated violation of the duties and obligations arising from the marriage, but they must also make the continuation of marital life intolerable.

c. Divorce on the grounds of legal separation

Spouses can request a divorce for separation in the following cases:

- continuous legal separation for at least three years, if it appears that the breakdown of the marriage is irretrievable;
- legal separation for over five years due to the apparently incurable state of mental disorder of the other spouse and it appears that the breakdown of the marriage is irretrievable.

The court can dismiss the application for divorce if it decides that the divorce would have exceptionally detrimental financial or moral consequences for the respondent or for the children

<p><i>Malta</i></p>	<p><i>Malta Divorce</i>, MALTA DIVORCE, http://www.maltadivorce.com (last visited Feb. 22, 2015).</p>	<p>In Malta divorce was not introduced until October 2011, despite civil marriage being introduced in 1975, except for the recognition of divorces granted by foreign courts. . . .</p> <p>. . . In Malta divorce demand can be brought jointly by both spouses or else by one spouse only but the Court shall be satisfied that the spouses have lived apart for a period of four years out of the immediately preceding five years that do not have to run consecutively but have to be only cumulative, that there is no hope of reconciliation and most importantly, that maintenance shall continue to run to the spouse and children as agreed before in the contract of separation or by law when this is due as provided for under article 66B.</p>	<p>Non-guilty divorce</p>
<p><i>Moldova</i></p>	<p>CODUL FAMILIEI [C.F.] [FAMILY CODE] arts. 33-36 (translation by the authors), available at http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=286119 (last visited Feb. 22, 2015).</p>	<p><i>Article 33</i> . Grounds for termination of marriage (1) Marriage shall cease upon the death or judicially declared the death of one spouse. (2) The marriage may be terminated by divorce (dissolution), based on the application of one or both spouses or guardian unfit husband.</p> <p><i>Article 34</i> . Limiting the right to request the dissolution husband marriage. In the absence of agreement the wife, the husband cannot ask for divorce during this pregnancy and for one year after childbirth if it was born alive and lives.</p> <p><i>Article 35</i> . Dissolution of marriage In the cases referred to in Article 36. (1) and (2) the marriage is dissolved by the registry office , and in the cases provided for in Article 36. (4) and (5) and Article 37 - in court .</p> <p><i>Article 36</i> . Dissolution of Marriage in the registry office</p> <p>(1) Mutual agreement of the spouses have no minor children, adopted by both spouses jointly or in cases where there are disputes between them relating to the maintenance partition or husband unable to work, marriage can be dissolved by the registry office in whose jurisdiction the residence of one of the spouses, with mandatory participation of both spouses. (2) At the request of either spouse, the marriage may be dissolved at the registry office where the other spouse: a) has been declared incapable;</p>	<p>No-fault divorce</p>

		<p>b) was declared missing;</p> <p>c) was sentenced to imprisonment for a term exceeding three years.</p> <p>(3) Termination of the certificate of marriage and divorce are held after the expiry of one month from the day of filing for divorce.</p> <p>(4) In the event of disputes between spouses with regard to children, spouse maintenance partition or unfit for work requiring material support, dissolution of marriage is made in court.</p> <p>(5) If, after the dissolution of the marriage registry office, spousal disputes arise regarding the separation, the maintenance of minor children or spouse unable to work, they shall be settled in court.</p>	
Montenegro	COUNCIL OF EUROPE, COUNCIL OF EUROPE FAMILY POLICY DATABASE 13 (2009), http://www.coe.int/t/dg3/familypolicy/Source/4_2_i%20Legislation%20on%20divorce.pdf .	Family Law of Montenegro is regulating divorcing and a spouse may ask for a divorce of a marriage if the relationships in the marriage have seriously and permanently been disturbed or if the purpose of marriage cannot be realized for some other reasons. Spouses may require the marriage to be divorced based on their agreement. Marriage is terminated by divorce when the court decision on divorce becomes legally valid	No-fault divorce
Norway	TONE SVERDRUP, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, NORWAY 2-3 (2002), http://ceflonline.net/wp-content/uploads/Norway-Divorce.pdf .	<p>Sections 20 - 24 of the Marriage Act 1991 sets out the legal requirements which are necessary for divorce:</p> <ul style="list-style-type: none"> ▪ <i>Divorce after separation</i>: A spouse who finds that he or she cannot continue cohabitation may demand a separation (section 20 of the Marriage Act 1991). According to section 21, each of the spouses may demand a divorce when they have been separated for at least one year. Thus, no consent or any special ground is required for separation or divorce. ▪ <i>Divorce after cohabitation has terminated</i>: Each of the spouses may demand a divorce when they have not cohabited for at least two years (section 22 of the Marriage Act 1991). No consent or special ground is required. ▪ <i>Divorce on grounds of abuse</i>: According to section 23 of the Marriage Act 1991 a spouse may demand a divorce immediately - without a prior period of separation - if the other spouse has intentionally attempted to kill him or her or their children or willfully exposed them to severe maltreatment, or if the other spouse has behaved in a manner that is likely to arouse grave fear of such behaviour. 	No-fault divorce Divorce by fault
Poland	ANDRZEJ MACZYNSKI & TOMASZ SOKOLOWSKI, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, POLAND 5-6 (2002), http://cefl	The positive prerequisite for divorce is – as provided in Article 56 § 1 Polish Family and Guardianship Code – <i>the irretrievable and complete disintegration of matrimonial life</i> . This complete disintegration will consist of a lack of any spiritual, physical and economic bonds	No-fault divorce

	<p>online.net/wp-content/uploads/Poland-Divorce.pdf.</p> <p>between the spouses. According to the view of the Supreme Court, however, some elements of an economic bond may remain due to the specific circumstances, which do not exclude such a complete disintegration if the lack of spiritual and physical bonds is complete. However, even sporadic physical intercourse will, as a general rule, mean that the disintegration is not complete.</p> <p>Then, the irretrievable nature will depend on the assumption that the spouses will not return to each other at any time. It is not necessary to establish that the revival of matrimonial life is definitely excluded. It is sufficient to establish that in the given circumstances of the case a return to common matrimonial life will not occur.</p>	
<p><i>Portugal</i></p> <p>GUILHERME DE OLIVEIRA, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, PORTUGAL 4-5 (2002), http://ceflonline.net/wp-content/uploads/Portugal-Divorce.pdf.</p>	<p>The Portuguese legal system recognizes two methods of divorce: <i>litigious divorce</i> and <i>divorce on the ground of mutual consent</i>.</p> <p>The first of these methods may be based on either <i>subjective or objective grounds</i>.</p> <p><i>Subjective grounds are the following:</i> a culpable violation of matrimonial duties jeopardizing, by its gravity or repetition, the possibility of matrimonial life (Article 1779, n. 1 Portuguese Civil Code). . . . In conclusion, a particular form of behaviour may or may not be a violation of matrimonial duties, depending on the way in which the spouses understand their particular relationship.</p> <p>What is the content of the mentioned duties?</p> <ul style="list-style-type: none"> ▪ The duty of respect (Article 1672 Portuguese Civil Code) only applies when the behavior of the spouses does not fit within any of the other duties. It is both a duty of <i>facere</i> and <i>non facere</i>. As a duty of <i>non facere</i>, it requires that none of the spouses offends the other's physical and moral integrity. Furthermore, it requires that the spouses lead honorable lives so as to reflect the social image of the couple. As a duty of <i>facere</i>, it states that there must be some kind of interest in relation to the spouse and family life ▪ The duty of fidelity (Article 1672 Portuguese Civil Code) is a pure <i>non facere</i> duty. It requires that none of the spouses commit adultery. ▪ The duty of cohabitation (Articles 1672 and 1673 Portuguese 	<p>No-fault divorce Divorce by fault</p>

	<p>Civil Code) includes three aspects: first, the duty to maintain a sexual relationship with the spouse; second, the duty to live in one joint economic unit; third, the duty to live in the common residence of the family (Article 1673 Portuguese Civil Code).</p> <ul style="list-style-type: none"> ▪ The duty of co-operation (Articles 1672 and 1674 Portuguese Civil Code) requires that the spouses assist each other in accomplishing their common responsibilities. <p>Finally, the duty of assistance (Articles 1672 and 1675 Portuguese Civil Code) includes the duty to maintain and the duty to contribute to the expenses related to the family life.</p> <p><i>Objective grounds, that is, independent of fault are the following: de facto separation for three consecutive years; de facto separation for one year, if the divorce is requested by one of the spouses without the opposition of the other spouse; changes to the mental faculties of the other spouse; and absence without any information as to the respondent's whereabouts for no fewer than two years (Article 1781 Portuguese Civil Code).</i></p>	
<p>United Kingdom <i>Get a Divorce</i>, GOV.UK, https://www.gov.uk/divorce/grounds-for-divorce (last updated Feb. 5, 2015).</p>	<p>2. <i>Grounds for Divorce</i></p> <p>You must show there are good reasons for ending your marriage. You can give 5 grounds for a divorce.</p> <p><i>Adultery</i></p> <p>Your husband or wife had sex with someone else of the opposite sex, and you can no longer bear to live with them.</p> <p>You can't give adultery as a reason if you lived with your husband or wife for 6 months after you found out about it.</p> <p><i>Unreasonable behavior</i></p> <p>Your husband or wife behaved so badly that you can no longer bear to live with them.</p> <p>This could include:</p> <ul style="list-style-type: none"> • physical violence 	<p>No-fault divorce Divorce by fault</p>

- verbal abuse, eg insults or threats
- drunkenness or drug-taking
- refusing to pay for housekeeping

Desertion

Your husband or wife has left you:

- without your agreement
- without a good reason
- to end your relationship
- for more than 2 years in the past 2.5 years

You can still claim desertion if you have lived together for up to a total of 6 months in this period.

You have lived apart for more than 2 years

You can get a divorce if you've lived apart for more than 2 years and both agree to the divorce.

Your husband or wife must agree in writing.

You have lived apart for more than 5 years

Living apart for more than 5 years is usually enough to get a divorce, even if your husband or wife disagrees with the divorce.

<p>Romania</p>	<p><i>Divorce - Romania</i>, EUR. JUD. NETWORK CIV. AND COM. MATTERS, http://ec.europa.eu/civiljustice/divorce/divorce_rom_en.htm#2 (last updated Sept. 21, 2007).</p>	<p>2. <i>What are the grounds for divorce?</i> (e.g. irretrievable breakdown of the marriage, fault, separation)</p> <p>In case law, the following have been deemed to be grounds for divorce:</p> <ul style="list-style-type: none"> • unjustified refusal by one of the spouses to live with the other or unjustified desertion of the conjugal home (de facto separation imputable to defendant spouse); • infidelity of one of the spouses; • bad behaviour (moral or physical); 	<p>No-fault divorce Divorce by fault</p>
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		<ul style="list-style-type: none"> existence of a serious incurable disease from which one of the spouses is suffering and of which the other spouse was unaware prior to the marriage, if it is established that the symptoms of the disease subsequently become worse and are of a nature to justify the refusal of the claimant spouse to continue living with the defendant spouse since the continuation of the marriage has become impossible. 	
Russia	MASHA ANTOKOLSKAIA, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, RUSSIA 3 (2002), http://ceflonline.net/wp-content/uploads/Russia-Divorce.pdf .	The irretrievable breakdown of marriage is still the only formal ground for a divorce. Mutual consent is not considered to be a separate ground for divorce. However, since in the Family Code of 1995 the power of the state authorities to investigate the reasons for divorce has been significantly limited in non-contested divorce proceedings, both administrative and judicial. The competent authority is effectively no longer entitled to make any inquiry as to the grounds for divorce. Therefore the marriage is presupposed to have irretrievably broken down if both spouses have agreed to a divorce. This allows for the conclusion that Russian divorce law has actually moved away from the concept of the irretrievable breakdown, and that divorce on the ground of mutual consent <i>de facto</i> exists under Russian law.	No-fault divorce
Slovakia	<i>Divorce - Slovakia</i> , EUR. JUD. NETWORK CIV. AND COM. MATTERS, http://ec.europa.eu/civiljustice/divorce/divorce_svk_en.htm#2 (last updated May 4, 2007).	<p>2. <i>What are the grounds for divorce?</i></p> <p>A marriage can be divorced by a court if the relationship between the spouses is seriously damaged and permanently broken so that the marriage can no longer serve its purpose and the spouses cannot be expected to resume marital cohabitation.</p> <p>The court establishes what caused the serious break-down of the relationship between the spouses and takes it into account in its decision-making.</p> <p>The relationship between the spouses can be seriously damaged and permanently broken owing to various subjective and objective reasons (alcohol abuse, infidelity, health reasons, lack of interest in the family, incompatibility of character, etc.)</p>	No-fault divorce
Slovenia	<i>Divorce - Slovenia</i> , EUR. JUD. NETWORK CIV. AND COM. MATTERS, https://e-justice.europa.eu/content_divorce-45-si-en.do	<p>What are the grounds for divorce?</p> <ol style="list-style-type: none"> The marriage is <i>unbearable for whatever reason</i>. In practice this is not difficult to prove. There is no need that the marriage is <i>unbearable</i> for both 	No-fault divorce

	?init=true (last updated Sept. 22, 2014).	partners. 3. The fault of one of the partners, which caused the <i>unbearableness</i> , has no influence on the decision of the judge.	
Switzerland	HEINZ HAUSHEER & STEPHAN WOLF, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, SWITZERLAND 3 (2002), http://ceflonline.net/wp-content/uploads/Switzerland-Divorce.pdf .	The Swiss Code of Civil Law stipulates the following grounds for divorce: (a) Divorce upon a <i>joint application</i> with two sub-categories: <ul style="list-style-type: none"> ▪ Comprehensive agreement regarding the divorce and the ancillary consequences (mainly economic ones) in respect of which the parties may make dispositions (Article 111 Swiss Code of Civil Law); ▪ Partial agreement in the sense that the consent only applies to the divorce as such and a part of the ancillary consequences (Article 112 Swiss Code of Civil Law). (b) Divorce upon a unilateral petition in the case of two objective elements: <ul style="list-style-type: none"> ▪ After four years of living apart (Article 114 Swiss Code of Civil Law); ▪ Reduction of the four-year period of separation in the event of the continuation of the marital bond being unreasonable (Article 115 Swiss Code of Civil Law). 	No-fault divorce
Sweden	MAARIT JÄNTERÄ-JAREBORG, GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES, SWEDEN 4 (2002), http://ceflonline.net/wp-content/uploads/Sweden-Divorce.pdf .	If the spouses agree that their marriage should be dissolved they have a right to an immediate divorce (except where there is a child under sixteen years of age, making it obligatory to first go through a reconsideration period of six months), Marriage Code Chapter 5 section 1. In Swedish law, marriage is seen as a voluntary union between a man and a woman. From this follows that the desire of only one of the spouses to terminate the marriage is sufficient to obtain a divorce. If the other spouse does not consent to divorce, a reconsideration period (of six months) must always precede the divorce, Marriage Code Chapter 5 section 2. If the spouses have lived apart for at least two years, either of them is entitled to divorce without a preceding reconsideration period, Marriage Code Chapter 5 section 4. In addition, there exists a special divorce ground concerning situations where the marriage has been entered into despite the existence of an absolute marriage impediment, Marriage Code Chapter 5 section 5. In those cases either one of the spouses has the right to an	No-fault divorce

		immediate divorce. In those cases, proceedings for divorce may also be commenced by a public prosecutor. This ground for divorce replaced marriage annulment in the previous law.	
<i>Netherlands</i>	KATHARINA BOELE-WOELKI <i>ET AL.</i> , GROUNDS FOR DIVORCE AND MAINTENANCE BETWEEN FORMER SPOUSES 5-6 (2002), http://ceflonline.net/wp-content/uploads/Netherlands-Divorce.pdf .	Since 1 October 1971 divorce in the Netherlands can only be granted on the ground of the irretrievable breakdown of the marriage (Article 1:151 Dutch Civil Code). This applies to an application for divorce by one or both spouses. Divorce by consent is possible as long as it is based on the ground of irretrievable breakdown. According to Article 1:154 Dutch Civil Code divorce shall be granted at the joint request of the spouses if the request is based on their mutual consent that the marriage has irretrievably broken down. Each spouse has a right to withdraw the request up until judgment is pronounced. Thus, <i>divorce by consent</i> does not as such exist as an autonomous ground for divorce under Dutch law	No-fault divorce
<i>Turkey</i>	<i>Family Law</i> , TURKISH LEGAL CENTRE, http://www.turkishlegalcentre.com/family-law.htm (last visited Feb. 22, 2015).	Chapter 2 of the Turkish Civil Code provides the following possible grounds for opening court cases for a divorce or separation in Turkey: <ol style="list-style-type: none"> 1. Adultery, Maltreatment, threat to life, severe insult 2. Committing a crime which degrades the integrity or the prestige of the other party 3. Deserting home: If one of the parties leaves home and does not return for at least 6 months without showing a valid reason and also does not respond to the Judge's warnings, the deserted spouse may open a court case for a divorce. The party who has forced his/her spouse to leave home or who prevents the return of the spouse without any valid reason is also considered to have deserted his/her home. 4. Mental illness: If one of the parties has a mental problem which is confirmed by an official medical committee report that it cannot be treated, a court case for a divorce can easily be opened. 5. Incompatibility: Though this is the widest area of grounds for opening divorce cases, the Defendant has the right to reject a court case if the Plaintiff is found to be more at fault. If the judge, however, decides that the right of rejection is being exploited and that there is no benefit for the Defendant and the children in maintaining the marriage, a decision for divorce can be made. 	Divorce by fault No-fault divorce

Ukraine	FAMILY CODE [FAM. C.] art. 105, <i>available at</i> http://www.refworld.org/docid/4c4575d92.html .	Article 105. Termination of a Marriage as a Result of its Dissolution <ol style="list-style-type: none"><li data-bbox="840 276 1596 438">1. A marriage is terminated because of its dissolution upon joint application of spouses or of one of them on the ground of the decision made by the public civil status act registration authority, in accordance with Articles 106 and 107 of the present Code.<li data-bbox="840 438 1596 535">2. A marriage is terminated because of its dissolution upon joint application of spouses on the ground of judicial decision, in accordance with Article 109 of the present Code.<li data-bbox="840 535 1596 634">3. A marriage is terminated because of its dissolution upon legal action by one of spouses on the ground of judicial decision, in accordance with Article 110 of the present Code.
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