

[Similar Matter Filed During Past Session —
See House No. 2385 of 1979]

SENATE No. 1058

By Mr. Sisitsky, a petition (accompanied by bill, Senate, No. 1058) of Alan D. Sisitsky and the Boston Bar Association, by Lynda Christian and Paul Pearson for legislation to provide for the elimination of the defense of condonation under certain circumstances in divorce or separate support actions. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR THE ELIMINATION OF THE DEFENSE OF CON-
DONATION UNDER CERTAIN CIRCUMSTANCES IN DIVORCE OR SEPARATE
SUPPORT ACTIONS.

*Be it enacted by the Senate and House of Representatives in General
Court assembled, and by the authority of the same, as follows:*

1 Chapter 208, section 1, of the General Laws, as most recent-
2 ly amended by Section 1 of Chapter 698 of the Acts of 1975,
3 is hereby amended by deleting the last sentence thereof be-
4 ginning "provided, however", and substituting therefor the
5 following sentence: "Provided, however, that a divorce shall
6 be adjudged although both parties have cause, and the Court
7 shall not entertain a defense either upon recrimination or
8 upon condonation; provided, however, that the defense of con-
9 donation may be asserted if the resumption of the marital
10 relationship continuously has existed for a period of no less
11 than two consecutive months following the occurrence of any
12 cause for divorce set forth above in this Section."

