
By Mr. Shea of Newton, petition of the Massachusetts Law Reform Institute for legislation to authorize divorce after separation for one year. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT AUTHORIZING DIVORCE AFTER SEPARATION FOR ONE YEAR.

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

1 SECTION 1. Chapter 208 of the General Laws is hereby
2 amended by inserting after section 1 the following section:—

3 *Section 1A. Living Separate and Apart.*— Where the hus-
4 band and wife have lived separate and apart for a period of one
5 year next prior to the filing of the libel, the court shall grant a
6 decree of divorce at the suit of either party, without regard to
7 fault. To the extent that the defenses of collusion, connivance,
8 condonation, and recrimination are recognized at common law,
9 they shall be inapplicable to this ground. Upon the filing of a
10 libel, or the granting of a decree of divorce based upon this sec-
11 tion, the court may make any and all orders otherwise autho-
12 rized by law relative to libels for divorce, including but not limited
13 to the orders specified in sections seventeen, eighteen, nineteen,
14 twenty, twenty-eight, twenty-nine, thirty-four, thirty-five,
15 thirty-six, and thirty-seven of chapter two hundred and eight.

1 SECTION 2. Chapter 208 of the General Laws is hereby further
2 amended by inserting after section 16 the following section:—

3 *Section 16A. Petitions Prior to Filing the Libel.*— If the hus-
4 band and wife are living separate and apart the court may, upon
5 the petition of either party, make orders relative to the support
6 of the wife and the care, custody and maintenance of their
7 minor children, in the same manner as provided in section
8 thirty-two of chapter two hundred and nine.

1 SECTION 3. This act shall apply to periods of separation ac-
2 cruing prior to the effective date of the act.

