

By Mr. Creedon of Brockton, petition of James R. Lawton and Michael C. Creedon for legislation to amend the procedures for a divorce on the grounds of irretrievable breakdown of the marriage. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT MAKING CERTAIN CHANGES IN THE NO-FAULT DIVORCE, SO-CALLED.

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 of the General Laws, as most recently amended by
2 chapter 362 of the acts of 1979, is hereby further amended by
3 striking out the first paragraph of section 1A and inserting in place
4 thereof the following paragraph: —

5 An action for divorce on the ground of irretrievable breakdown
6 of the marriage may be commenced with the filing of:

7 (a) the complaint which shall identify the parties as plaintiffs; (b)
8 a sworn affidavit by both parties that an irretrievable breakdown of
9 the marriage exists; and (c) a notarized separation agreement exe-
10 cuted by the parties, except as hereinafter set forth. After a hearing
11 on a separation agreement which has been presented to the court,
12 the court shall, within thirty days of said hearing, make a finding as
13 to whether or not an irretrievable breakdown of the marriage exists
14 and whether or not the agreement has made proper provisions for
15 custody, for support and maintenance, for alimony and for the
16 disposition of the marital property, where applicable. In making its
17 finding, the court shall apply the provisions of section thirty-four,
18 except that the court shall make no inquiry into, nor consider any
19 evidence of the individual marital fault of the parties. In the event
20 the notarized separation agreement has not been filed at the time of
21 the commencement of the action, it shall in any event be filed with
22 the court within ninety days following the commencement of such
23 action. The signatures of both parties on the face of the complaint

24 shall constitute a waiver of notice and a summons and a return of
25 service shall not be required.

26 Chapter 208 of the General Laws, as most recently amended by
27 chapter 362 of the acts of 1979, is further amended by striking out in
28 section 1A the third paragraph and inserting in place thereof the
29 following: —

30 When the court has given its initial approval of a dissolution
31 agreement of the parties which makes proper provisions for cus-
32 tody, support and maintenance, alimony, and for the disposition of
33 marital property, where applicable, notwithstanding subsequent
34 modification of said agreement, a judgment of divorce nisi shall be
35 entered without further action by the parties.