

By Mr. Creedon, a petition (accompanied by bill, Senate, No. 834) of Robert S. Creedon, Jr. for legislation relating to equitable divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATING TO EQUITABLE DIVORCE PROCEEDINGS.

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 amended by striking out the third paragraph
2 of Section 1A and inserting in place thereof the following paragraph:-

3 If the finding is in the affirmative the court shall approve the agreement and enter a Judgment of
4 Divorce Nisi.

5 SECTION 2. Section 1B of Chapter 208 of the General Laws is hereby amended by striking out
6 section 1B and inserting in place thereof the following section:-

7 Section 1B. Irretrievable breakdown of marriage; commencement of action; waiting period;
8 unaccompanied complaint procedure.

9 An act for divorce on the ground of an irretrievable breakdown of the marriage may be commenced by
10 the filing of the complaint unaccompanied by the signed statement and dissolution agreement the
11 parties require under section 1A.

12 No earlier than thirty days after the filing of the complaint there shall be a hearing and the court may
13 enter a judgment of divorce Nisi if the court finds that there has existed, for the period following the
14 filing of the complaint and up to the date of the hearing, a continuing irretrievable breakdown of the
15 marriage.

16 Notwithstanding the foregoing, at the election of the court hereunder, the aforesaid thirty day period
17 may be waived to allow the consolidation for the purposes of hearing a complaint commence under this
18 section with a complaint for divorce commenced by the opposing party under section 1.

19 The filing of a complaint for divorce under this section shall not affect the ability of the defendant to
20 obtain a hearing on a complaint for divorce filed under section 1, even if the aforesaid thirty day
21 period has not yet expired.

22 Said thirty day period shall be determined from the filing of a complaint for divorce. In the event that a
23 complaint for divorce is commenced in accordance with the provisions of section 1A or is for a cause
24 set forth under section 1, and said complaint is later amended to set forth the ground established in this
25 section, the thirty day period herein set forth shall be computed from the date of the filing of said
26 complaint.

27 As part of the enter of the judgment of divorce Nisi, appropriate orders shall be made by the court with
28 respect to custody, support and maintenance of children, and, in accordance with the provisions of
29 section 34, for alimony and for disposition of marital property.

30 Nothing in the foregoing shall prevent the court, at any time prior to the judgment, from making
31 temporary orders for custody, support and maintenance or such other temporary orders it deems
32 appropriate, including referral of the parties and the children, if any, for marriage or family counseling.

33 Prior to the entry of judgment under this section, in the event that the parties file the statement and
34 dissolution agreement as required under said section 1A.

35 SECTION 3. Chapter 208 of the General Laws is hereby amended by striking out section 21 and
36 inserting in place thereof the following section:-

37 Section 21. Judgments of divorce shall in the first instance be judgments nisi, and shall become
38 absolute after the expiration of thirty days from the entry thereof, unless the court within said period,
39 for sufficient cause, upon application of any party to the action, otherwise orders. After the entry of a
40 judgment nisi, the action shall not be dismissed or discontinued on motion of either party except upon
41 such terms, if any, as the court may order after notice to the other party and a hearing, unless there has
42 been filed with the court a memorandum signed by both parties, wherein they agree to such disposition
43 of the action.

