

By Mr. Dickson of Weston, petition of James Bert Swain and Barney Frank for legislation to make certain changes in the law relative to divorce. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT TO AMEND DIVORCE PROCEDURE.

*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 is hereby amended by striking  
2 out the first paragraph of section 1A, as inserted by section 2 of  
3 chapter 698 of the Acts of 1975, and inserting in place thereof the  
4 following paragraph:—

5 *Section 1A.* An action for divorce may be commenced with  
6 the filing of: (a) the complaint; (b) an affidavit by each of the  
7 parties that they are living separated and apart, that he or she  
8 believes that the marriage is irretrievably broken down, and that  
9 he or she intends never to cohabit with the other party again; (c) a  
10 notarized separation agreement executed by both parties. After a  
11 hearing on the papers filed pursuant to the provisions of this  
12 section, the court shall, within thirty days of said hearing, make a  
13 finding whether the marriage is irretrievably broken down and  
14 whether the agreement has made proper provision for custody,  
15 for support and maintenance, for alimony and for the disposition  
16 of the marital property. The court shall make no inquiry into, nor  
17 consider any evidence of individual marital fault of either of the  
18 parties.

REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE

IN RESPONSE TO A RESOLUTION

PASSED BY THE HOUSE OF REPRESENTATIVES

ON FEBRUARY 1, 1864

AND

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