

HOUSE No. 114

Accompanying the second recommendation of the Commissioners on Uniform State Laws (House, No. 112). Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act concerning Divorce Jurisdiction and to make Uniform the Law relating thereto.

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 two hundred and eight of
2 the General Laws is hereby amended by striking out
3 sections four and five and inserting in place thereof
4 the following: —

5 *Section 4.* Jurisdiction for the purpose of granting
6 divorce shall not be exercised unless (a) The defendant
7 is domiciled in this state, or this state is the state of
8 the matrimonial domicile; or (b) The complainant
9 has a separate domicile in this state (the defendant
10 being domiciled out of this state); and by consent
11 or owing to the conduct of the defendant such domicile
12 is the rightful domicile of the complainant.

13 If, however, only one of the parties is domiciled
14 in this state and has acquired such domicile subse-
15 quent to the arising of the ground for divorce, such
16 domicile must have continued uninterruptedly for the

17 period of one year next preceding the bringing of the
18 action.

19 *Section 5.* Full faith and credit shall be given in
20 all the courts of this state to a decree of divorce by
21 a court of competent jurisdiction in another state,
22 territory or possession of the United States when the
23 jurisdiction of such court was based upon provisions
24 not inconsistent with the provisions prescribed in the
25 preceding section, even though such decree is not
26 entitled to full faith and credit under the constitution
27 of the United States.

28 *Section 5A.* Nothing contained in the two pre-
29 ceding sections shall affect existing rules of law as to
30 obtaining jurisdiction over the person of the de-
31 fendant.

32 *Section 5B.* If an inhabitant of this commonwealth
33 goes into another jurisdiction to obtain a divorce for
34 a cause occurring here while the parties resided
35 here, or for a cause which would not authorize a di-
36 vorce by the laws of this commonwealth, a divorce
37 so obtained shall be of no force or effect in this com-
38 monwealth.

1 SECTION 2. Section thirty-nine of chapter two
2 hundred and eight of the General Laws is hereby
3 repealed.

