

No. 202

AN ACT

HB 1739

Amending the act of May 2, 1929 (P.L.1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto," providing that insanity or serious mental disorder shall be grounds for a divorce and providing for a permanent allowance.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 10, act of May 2, 1929 (P.L.1237), known as "The Divorce Law," is amended by adding a subsection to read:

Section 10. Grounds for Divorce from Bond of Matrimony.—

* * *

4. Where there is insanity or serious mental disorder which has resulted in confinement in a mental institution for at least three years immediately before the filing of the complaint, where there is no reasonably foreseeable prospect of the defendant spouse's being discharged from inpatient care during the next three years subsequent to the filing of the complaint. A presumption that no such prospect of discharge exists shall be established by a certificate of the superintendent of such institution to that effect and such certificate shall include a supporting statement of a treating physician.

Section 2. The act is amended by adding a section to read:

Section 48. Permanent Allowance Where Defendant is Insane or Suffering from Serious Mental Disorder.—In case of the application of a spouse for divorce from a spouse who is insane or suffering from serious mental disorder, the court, or a judge thereof to whom the application is made, shall have the power before granting the divorce to decree an allowance for the support of the defendant spouse in such amount as it may direct. The allowance herein provided may be subsequently adjusted to conform to changed conditions.

Section 3. Section 53 of the act is repealed.

APPROVED—The 22nd day of September, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 202.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.