VI. GROUNDS FOR DIVORCE

A. Absolute divorce - FL § 7-103.

1. Adultery - FL § 7-103(a)(1).

a. Standard of proof - Direct proof not required, adultery may be shown by circumstantial evidence. *Breault v. Breault*, 250 Md. 173, 242 A.2d 116 (1970). Inclination and opportunity. *Borne v. Borne*, 33 Md. App. 578, 365 A.2d 359 (1976). Where possibility of collusion slight, admission by spouse found to be sufficient corroboration. See *Barr v. Barr*, 58 Md. App. 569, 473 A.2d 1300 (1984); *Alston v. Alston*, 85 Md. App. 65, 281 A.2d 407 (1971); and, *Wright v. Phipps*, 122 Md. App. 480, 712 A.2d 606 (1998).

b. Spousal admissions - Generally insufficient without corroboration. *Borne*, Id. But see *Barr v. Barr*, 58 Md. App. 569, 473 A.2d 1300 (1984).

c. Defenses - Recrimination and condonation not bar to absolute divorce but a factor to be considered in a case involving adultery ground. FL § 7-103(b), (d). See *Aronson v. Aronson*, 115 Md. App. 78, 691 A.2d 785 (1997).

2. Desertion - FL § 7-103(a)(2).

a. Elements - Desertion must continue for twelve months without interruption prior to filing; must be deliberate and final act; with no reasonable expectation of a reconciliation. See *Hite v. Hite*, 210 Md. 576, 124 A.2d 581 (1956); *Deck v. Deck*, 12 Md. App. 313, 278 A.2d 434 (1971).

1. Without cohabitation? Case law discusses cessation of marital relation as an element, but desertion may exist although parties live under the same roof. *Kelsey v. Kelsey*, 186 Md. 324, 46 A.2d 627 (1946); *Burke v. Burke*, 204 Md. 637, 106 A.2d 59 (1954). Mere fact that party occupies another room insufficient. *Hodges v. Hodges*, 213 Md. 322, 131 A.2d 703 (1957). And, the former statutory grounds of "voluntary separation" and "two-year separation" (FL §7-103(3), (5) (2006 Repl. Vol.) and the new 12-month separation ground, effective October 1, 2011 (FL 7-103(4) – 2011 Supp.), all specifically state that a requisite element of those grounds is that the separation be "without cohabitation." The ground of desertion does not state the desertion must be

"without cohabitation." Rather, it could be argued, sexual relations between the parties falls under the defense of condonation that a party must plead, and "[c]ondonation … is a factor to be considered by the court in determining whether the divorce should be decreed." FL 7-103(d).

2. Refusal to continue marital relations may constitute desertion. *Kelsey*, supra; *Kerber v. Kerber*, 240 Md. 312, 214 A.2d 164 (1965). See also discussion of *Ricketts v. Ricketts*, 393 Md. 479, 903 A.2d 857 (2006), in Section VI.B.1.

3. Moving party must prove that the offending party had intention to end marriage. *Applegarth v. Applegarth*, 239 Md. 92, 210 A.2d 362 (1965). Intention to desert must co-exist during the statutory period, *Timanus v. Timanus*, 177 Md. 686, 10 A.2d 322 (1940), but need not begin together. *Dunnigan v. Dunnigan*, 182 Md. 47, 31 A.2d 634 (1943). In *Francz v. Francz*, 157 Md. App. 676, 858 A.2d 839 (2004), the trial court found that both parties committed post-separation adultery and husband was granted the divorce because he filed first. The wife argued that her husband had deserted her. However, the trial court found that wife had been involved with another man prior to separation and refused to break that relationship off when husband asked her to do so. Although this evidence was not sufficient to prove wife's adultery, it was sufficient to show husband's leaving was not a desertion.

4. "Constructive" desertion ground for divorce where conduct of one spouse compels other to leave, even though conduct may not justify divorce on the ground of cruelty, if it renders continuation of marital cohabitation with safety, health and self-respect impossible. *Neff v. Neff*, 13 Md. App. 128, 281 A.2d 556 (1971); and *Scheinin v. Scheinin*, 200 Md. 282, 89 A.2d 609 (1952). Moving party must show a pattern of conduct, not an isolated incident. *Sharp v. Sharp*, 58 Md. App. 386, 473 A.2d 499 (1984) cert. denied, 300 Md. 795; *Painter v. Painter*, 113 Md. App. 504, 688 A.2d 479 (1997). The Court of Special Appeals has said, "In more recent years, however, a greater awareness and intolerance of domestic violence has shifted our public policy toward allowing the dissolution of marriages with a violence element. In the courts, we have responded to this trend by permitting absolute divorce on grounds of constructive desertion, a doctrine far friendlier to victims of violence in terms of the quality of proof required to grant freedom from the shackles of an abusive spouse." *Das v. Das*, 133 Md. App. 1, 35-36, 754 A.2d 441, 450 (2000). Violence against children of a family may amount to constructive desertion. See *Painter v. Painter*, 113 Md. App. 504, 688 A.2d 479 (1997).

3. "12-month separation, when the parties have lived separated and apart without cohabitation for 12 months without interruption before the filing of the application for divorce." FL §7-103(a)(4). Legislation effective October 1, 2011, reduced the "2-year" separation ground to 12-months, and deleted the 12-month voluntary separation ground. Thus, a 12-month separation, whether mutual and voluntary between the parties or otherwise, is a divorce ground, provided the specified elements of the ground are satisfied.

4. Cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation. FL § 7-103(a)(6). *Das v. Das*, 133 Md. App. 1, 754 A.2d 441 (2000). The *Das* case is cited and discussed as a principal case concerning the evolving modern understanding of fault grounds of divorce in the family law casebook Douglas E. Abrams, Naomi R. Cahn, Catherine J. Ross, and David D. Meyer, eds. *Contemporary Family Law* (2d ed., St. Paul, Minn.: West, 2009), 424-428.

5. Excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation. FL § 7-103(a)(7). *Das v. Das*, 133 Md. App. 1, 754 A.2d 441 (2000).

6. Conviction of felony or misdemeanor - FL § 7-103(a)(4).

Elements – Defendant has been convicted of a felony or misdemeanor, and Defendant has been sentenced to serve at least three years or an indeterminate sentence in a penal institution and has served twelve months of the sentence prior to complaint for divorce.

7. Insanity. FL § 7-103(a)(6).

Elements - Insane spouse confined for at least three years before filing complaint; proof of incurable insanity without hope of recovery from testimony of two psychiatrists; one of the parties resident of state for at least two years prior to filing complaint.

9. **NOTE:** Bigamy is ground for annulment, not for divorce. *Ledvinka v. Ledvinka*, 154 Md. App. 420, 840 A.2d 173 (2003). Moreover, a court with personal jurisdiction over the parties has the authority to void a bigamous marriage without any showing that it was invalid in the country where it was entered. *Moustafa v. Moustafa*, 166 Md. App. 391, 188 A.2d 1230 (2005).

B. Limited divorce - FL § 7-102.

1. Desertion, without regard to its duration. FL § 7-102(a)(3). In *Ricketts v. Ricketts*, 393 Md. 479, 903 A.2d 857 (2006), the Court of Appeals reversed the trial court's dismissal of a complaint for limited divorce holding that a spouse's complaint for a limited divorce alleging constructive desertion based on lack of marital relations may be maintained when both parties continue to live under the same roof, albeit not in the same bedroom and without cohabitation. The *Ricketts* decision, while perhaps bringing additional clarity to the constructive desertion ground, actually breaks little new ground as shown by its reliance on fifty year old case law, such as *Scheinin v. Scheinin*, 200 Md. 282, 89 A.2d 609 (1952), and *Mower v. Mower*, 209 Md. 413, 121 A.2d 185 (1956). *Mower* held that a spouse's unjustified permanent refusal to engage in sexual intercourse with the other spouse may constitute desertion even though the parties continue to live in the same house. In *Scheinin v. Scheinin*, the Court stated: "It is beyond question that there may be a desertion although the husband and wife continue to live under the same roof. For desertion, as applied to husband and wife, signifies something more than merely ceasing to live together. It means ceasing to live together as husband and wife." (*Scheinin*, 200 Md. at 290-91). The Court of Appeals affirmed the trial court's grant to Mrs. Scheinin of a limited divorce on the ground of constructive desertion. The *Ricketts* decision does not change the voluntary separation ground requirement that parties must be "living separate and apart without cohabitation."

2. "[V]oluntary separation, if: the parties are living separate and apart without cohabitation; and there is no reasonable expectation of reconciliation." FL § 7-102(a)(4). NOTE: Former FL §7-103(a)(3) stated that an absolute divorce could be granted on the ground of "voluntary separation" if "the parties voluntarily have lived separate and apart without cohabitation for 12

months without interruption before the filing of the application for divorce" and "there is no reasonable expectation of reconciliation." Some attorneys have argued that because the limited divorce ground of "voluntary separation" does not expressly include in its further description the word "voluntarily" with respect to the living separate and apart, that a limited divorce may be granted on any separation, without regard to its voluntariness. While it would seem that the word "voluntary" would be given some meaning under the objective interpretation principles and not be interpreted as superfluous by an appellate court, some circuit court judges have accepted the argument and granted a limited divorce on the "voluntary separation" ground absent proof of its voluntariness. Historically, limited divorces have been disfavored and the reasons for separation have been required to be "grave and weighty" (e.g., see, *Ches v. Ches*, 22 Md. App. 475, 323 A.2d 651 (1974)), and the legislature could have deleted the word "voluntary" in the limited divorce section when it deleted the 12-month voluntary separation ground in the absolute divorce section. So it would seem more difficult to now argue that a mere separation that is neither voluntary nor desertion entitles a spouse to a limited divorce.

3. Cruelty - FL § 7-102(a)(1).

a. Directed toward complaining party or minor child of such party.

b. Defined as conduct endangering the life, person or health of spouse (or minor child) or causing reasonable apprehension of bodily suffering. *Neff v. Neff*, 13 Md. App. 128, 281 A.2d 556 (1971). Violent, outrageous conduct rendering impossible the proper discharge of the duties of married life. *Stecher v. Stecher*, 226 Md. 155, 172 A.2d 515 (1961). See *Das v. Das*, 133 Md. App. 1, 754 A.2d 441 (2000).

c. Examples - Unfounded charges of infidelity coupled with spying, public abuse and physical violence. *Sullivan v. Sullivan*, 223 Md. 74, 162 A.2d 453 (1960); unreasonable sexual demands, *Griest v. Griest*, 154 Md. 696, 140 A.2d 590 (1945); *Hockman v. Hockman*, 184 Md. 473, 41 A.2d 510 (1945); statements amounting to mental cruelty, *Li v. Li*, 249 Md. 593, 241 A.2d 389 (1968).

d. Condonation may be asserted as defense. *Sullivan*, supra; *Neff*, supra.

e. Revival of conditionally condoned misconduct by subsequent misconduct. *Sullivan*, supra.

4. Excessively vicious conduct - FL § 7-102(a)(2).

a. Directed toward complaining party or minor child of complaining party.

b. Defined as evil, corrupt or depraved conduct. Does not require an assault, battery or any physical violence. See *Shutt v. Shutt*, 71 Md. 193, 17 A. 1024 (1889); *Wheeler v. Wheeler*, 101 Md. 427, 61 A. 216 (1905). See *Das v. Das*, 133 Md. App. 1, 754 A.2d 441 (2000).

5. Court-prescribed reconciliation efforts. As a condition precedent to

granting a limited divorce the Court may require parties to participate in good faith efforts in efforts to achieve reconciliation prescribed by the Court, and the court may assess the costs of such prescribed reconciliation efforts. FL § 7-102(b).

Das v. Das, 133 Md. App. 1, 754 A.2d 441 (2000).

Court of Special Appeals of Maryland.

Vincent DAS
v.
Anuradha **DAS.**

No. 2319, Sept. Term, 1999.

June 28, 2000.

West Headnotes

[19] Divorce k130
134k130

Wife's testimony corroborated by her brother supported an absolute divorce based on either cruelty or excessively vicious conduct, even though she did not account for the particulars of specific violent incidents; she spoke of ongoing cruelty, testified in some detail how the husband's controlling behavior harmed her previously close relationship with her family, and spoke with fear of the husband's taunting questions about what she might do when the protective order expired. Code, Family Law, § 7-103(a)(7, 8).

[20] Divorce k127(4)
134k127(4)

The corroboration of the testimony required of a spouse seeking a divorce varies with the circumstances of each case; as the likelihood of collusion decreases, so does the degree of corroboration needed, but if the case precludes the possibility of collusion, only slight corroboration is required. Code, Family Law, § 7-101(b).

[21] Divorce k127(4)
134k127(4)

Despite the quality of proof needed to prove cruelty and excessively vicious behavior, wife seeking an absolute divorce needed only slight corroboration for her testimony; there was almost no likelihood of collusion, where domestic violence proceedings had taken place the prior year, culminating in the entry of a one-year protective order, and the husband had fled the country. Code, Family Law, § 7-101(b).

[22] Divorce k127(4)
134k127(4)

Testimony by wife's brother that she sought refuge in his home after an assault by the husband, that he had observed a pattern of stress and tension in her life, and that the husband attempted to isolate the wife from her family sufficiently corroborated her testimony in support of absolute divorce on the basis of cruelty and excessively vicious behavior. Code, Family Law, §§ 7- 101(b), 7-103(a)(7, 8).
****444 *6** Reginald W. Bours, III and David R. Bach, Rockville, for appellant.

Joseph C. Paradiso (Paradiso, Dack, Taub & Oler, P.C., Bethesda and John S. Weaver, Gaithersburg, on the brief), for appellee.

IV

Finally, Husband asks if the trial court erred or abused its discretion in granting Wife an absolute divorce. He argues that the facts alleged by Wife at the August 11 hearing do not support grounds for divorce based on either cruelty or excessively vicious conduct because they lack sufficient specificity and fail to reach the level of egregiousness described in some of our older cases. He also claims that Wife's testimony was uncorroborated. We disagree.

Whether the events that bring a divorce complainant to court constitute cruelty or excessively vicious conduct has never been the stuff of which bright line rules are made, and even now our standards are shifting. Only recently, in 1998, did the legislature make cruelty and excessively vicious conduct grounds for absolute divorce in Maryland. See Md.Code (1984, 1999 Repl.Vol.), § 7-103(a)(7) & (8) of the Family Law Article (codifying 1998 Md. Laws 349 & 350). Before that time, cruelty of treatment gave grounds for limited divorce only, a rule that originated in English ecclesiastical courts. Because divorce itself was disfavored by the church, the rule existed only to protect the victim-party from further and more serious physical harm. "The cruelty which entitles the injured ***33** party to a divorce ... consists in that sort of conduct which endangers the life or health of the complainant, and renders cohabitation unsafe." Harris v. Harris, 161 Eng. Rep. 697 (1813). Maryland adopted this English rule, as the Court of Appeals explained in Scheinin v. Scheinin, 200 Md. 282, 288, 89 A.2d 609 (1952) ("In 1851 Chancellor Johnson announced in the High Court of Chancery that the words 'cruelty of treatment' as contained in the Maryland divorce statute would be given the same interpretation as given to them by the English Ecclesiastical Courts.") (citations omitted). The English rule, as articulated in Scheinin and older cases, was for many years our gold standard, setting the parameters for what constituted cruelty:

> Ordinarily a single act of violence slight in character does not constitute cruelty ****459** of treatment as a cause for divorce. But it is now accepted in Maryland, as well as generally throughout the country, that a single act may be sufficient to constitute the basis for a divorce on the ground of cruelty, if it indicates an intention to do serious bodily harm or is of such a character as to threaten serious danger in the future.

Id. at 288-89, 89 A.2d 609 (citations omitted).

The Court in Scheinin, however, went on to point out that the original definition of "cruelty" had grown more broad, to encompass mental as well as physical abuse:

> It is now accepted that cruelty as a cause for divorce includes any conduct on the part of the husband or wife which is calculated to seriously impair the health or permanently destroy the happiness of the other. Thus any misconduct of a husband that endangers, or creates a reasonable apprehension that it will endanger, the wife's safety or health to a degree rendering it physically or mentally impracticable for her to properly discharge the marital duties constitutes cruelty within the meaning of the divorce statute.

Id. at 289-90, 89 A.2d 609 (citations omitted). Even under this more modern definition, the cases for limited divorce on ***34** grounds of cruelty and excessively vicious conduct--there are no reported cases for absolute divorce on these grounds--show remarkable tolerance for abusive behavior. "[A] divorce cannot be granted on the ground of cruelty of treatment merely because the parties have lived together unhappily as a result of unruly tempers and marital wranglings.... [M]arital neglect, rudeness of manner, and the use of profane and abusive language do not constitute cruelty." Id. at 288, 89 A.2d 609 (citations omitted); see also Harrison v. Harrison, 223 Md. 422, 426, 164 A.2d 901 (1960) (where husband struck wife and gave her a black eye, a "single act of violence complained of by appellee does not measure up to what the law of this State requires for a showing of cruelty ... [or justify] the wife's living apart from her husband"); Bonwit v. Bonwit, 169 Md. 189, 193, 181 A. 237 (1935) (husband's "violent outbursts of temper, accompanied in some instances by ... slapping" wife did not constitute cruelty); McKane v. McKane, 152 Md. 515, 519-20, 137 A. 288 (1927) (husband's "spells," caused by drinking, during which he called wife vile names, implied unchastity on her part, cursed her, pouted, and refused to eat did not constitute cruelty); Short v. Short, 151 Md. 444, 446, 135 A. 176 (1926) ("Marital neglect, indifference, a failure to provide as freely as the wife may desire in dress or in conveniences, sallies of passion, harshness, rudeness, and the use of profane and abusive language towards her are not sufficient, if not in manner and degree endangering her personal security or health.") (citing Childs v. Childs, 49 Md. 509, 514 (1878)); Neff v. Neff, 13 Md.App. 128, 132, 281 A.2d 556 (1971) (single incident of violence and continued verbal abuse insufficient grounds for divorce because "[i]t does not appear from the evidence presented that appellant was in such fear for her health and safety"); Galvagna v. Galvagna, 10 Md.App. 697, 702, 272 A.2d 89 (1971) (where husband struck wife once, and used an open hand rather than his fist, there was insufficient evidence of cruelty). On the other hand, the Court of Appeals upheld a limited divorce on grounds of cruelty where it appeared that one party had been in significant peril, ***35** e.g., incidents of drunken rage and physical abuse that required the wife to seek police intervention and seek refuge with relatives. See Hilbert v. Hilbert, 168 Md. 364, 370-75, 177 A. 914 (1935).

In reviewing these oft-cited cases on cruelty and excessively vicious conduct, we note that most are quite old and give victims little relief from their aggressive partners by modern standards. In part, we believe, the courts' reluctance to grant relief stems from the fact that cruelty and ****460** excessively vicious conduct were grounds for limited and not for absolute divorce, and Maryland courts have historically disfavored divorce from bed and board. See, e.g., Bonwit, 169 Md. at 194, 181 A. 237 ("[T]he policy of the law of this state looks with disfavor upon divorces a mensa et thoro .... 'It is not the function of the courts ... to arbitrate family quarrels, but to determine upon the evidence whether either of the parties has been guilty of such conduct as would make a continuance of the marital relation inconsistent with the health, self-respect, and reasonable comfort of the other.' ") (quoting Singewald v. Singewald, 165 Md. 136, 146, 166 A. 441 (1933)); Porter v. Porter, 168 Md. 296, 305, 177 A. 464 (1935) ("[T]he law of this state is not favorable to divorces a mensa et thoro, and they will not be granted except for grave and weighty causes, and even then the evidence must be clear and the corroboration satisfactory and in accordance with the law.... 'Parties to the marriage must realize that the relationship is seldom perfect, and that it is essential to the happiness and contentment of the parties, as well as for the benefit of society, that each tolerate inconveniences, annoyances, even hardships, and make sacrifices for the common welfare.' ") (quoting McClees v. McClees, 160 Md. 115, 120, 152 A. 901 (1931)). Disapproval of limited divorce likely colored past analysis in the cases where cruelty or excessively vicious conduct was alleged.

In more recent years, however, a greater awareness and intolerance of domestic violence has shifted our public policy toward allowing the dissolution of marriages with a violence ***36** element. [FN23] In the courts, we have responded to this trend by permitting absolute divorce on grounds of constructive desertion, a doctrine far friendlier to victims of violence in terms of the quality of proof required to grant freedom from the shackles of an abusive spouse. [FN24] Likewise, the General Assembly responded in 1980 by enacting the domestic violence statute, Md.Code (1984, 1999 Repl.Vol., 1999 Cum.Supp.), §§ 4-501 through 4-516 of the Family Law Article, which grants Maryland courts the power to issue civil protective orders and offers various forms of relief to victims. In 1998, as part of its continuing modernization of our family law, the legislature acknowledged that persons subject to domestic abuse should be entitled to seek absolute divorce immediately without a waiting period prior to the filing of a complaint. It thus expanded the grounds for absolute divorce to include cruelty and excessively vicious conduct. John F. Fader II & Richard J. Gilbert, Maryland Family Law § 3-2(a) (2d ed. 1999 Cum.Supp.).

> FN23. The problem of domestic abuse ... remained largely ignored by our society until the last two decades, when national efforts toward legal and social reform began to surface. Since then, domestic abuse has gained widespread public attention. Social service agencies developed battered women's shelters and hotlines, and state legislatures recognized that domestic violence needed to be adequately addressed.
> Coburn v. Coburn, 342 Md. 244, 251, 674 A.2d 951 (1996) (citations omitted).

> FN24. Even when behavior does not rise to the level of cruelty or excessively vicious conduct, our courts have long ended violent marriages on grounds of constructive desertion. "It is accepted that any conduct of a husband that renders the marital relation intolerable and compels the wife to leave him may justify a divorce on the ground of constructive desertion, even though the conduct may not justify a divorce on the ground of cruelty." Scheinin, 200 Md. at 290, 89 A.2d 609 (citing Sullivan v. Sullivan, 199 Md. 594, 601, 87 A.2d 604 (1952)); see also Painter v. Painter, 113 Md.App. 504, 529, 688 A.2d 479 (1997) ("Due to the seriousness of the problem of domestic violence in our society and the extreme example of domestic violence contained in this case, we commit this case to the reporter in order that the facts contained herein may be preserved as examples of the seriousness of this, all too frequent, recurring problem and to again emphasize that a woman is not required to be a homicide victim in order to establish the elements of constructive desertion.").

***37** In the courts, we are now left holding a stack of cases--all "good law"--dating ****461** from the 1920's that no longer square with our modern understanding of appropriate family interaction. Verbal and physical abuse may have been tolerated in another era, and our predecessors at bar may have placed the continuity of the marital bond above the well-being of individual participants, but our values are different today. Indeed, in the 1999 supplement to their classic treatise on Maryland Family Law, authors John F. Fader II and Richard J. Gilbert correctly opine that we "are probably going to have a difficult time reconciling the statutory mandate to give relief to the abused individual with some of the case decisions of the past." See Fader & Gilbert, supra § 3-2(a).

[19] Against this background, we turn to the instant case. Husband claims that his conduct toward Wife never "endangered her life, person, or health, or would have otherwise caused her to feel apprehension of bodily suffering," and, to be sure, during her brief time on the witness stand on August 11, Wife did not account for the particulars of

specific violent incidents. Nevertheless, from Wife's direct testimony and in the pleadings, the court below learned that the history of violence between Husband and Wife justified entry of a one-year protective order in January 1998, after a particularly violent incident that was "one in several cases of domestic violence." [FN25] Wife went on to testify that the parties' marriage ***38** was an arranged marriage, which "in our culture ... the way it is conducted is basically subservience." She spoke of ongoing cruelty, including "making me stay up all night in order to listen to him, isolating me from my friends and from my family, and not allowing contact as much as possible.... [H]itting, pinching, pulling hair, etc." Wife testified in some detail how husband's controlling behavior harmed her previously close relationship with her family. [FN26] She told the court how she has continuing ****462** health problems, including cardiac arrhythmia brought on by the "stress of the marriage and the tensions at home." Wife also spoke with fear of Husband's taunting questions about what she might do when the protective order expired. Although Wife's testimony did not track Husband's mistreatment of her in minute detail, it is clear from that testimony and the very existence of a protective order that Husband's conduct far exceeded mere "sallies of passion, harshness, [and] rudeness," Short, 151 Md. at 446, 135 A. 176, ***39** and in fact threatened Wife's physical and emotional well-being. "[W]here violence has been inflicted and threats have been made," as in the instant case, "a Court of Equity should not hesitate to grant relief, especially where the facts indicate a probability that violence might be repeated." Timanus v. Timanus, 177 Md. 686, 687, 10 A.2d 322 (1940) (citing Patterson v. Patterson, 125 Md. 695, 96 A. 398 (1915)).

> FN25. Wife testified that she filed for the order
> because my husband assaulted me on the night of January the 5 th, and as a result, the police came to the house. And at that point, the officer taking the report advised me as to how I could proceed because he could see that the situation was not good, and I had been hit, and he advised me how to go to District Court or Circuit Court in order to get an ex parte order which was then subsequently followed by a protective order for one year.
> We note that Husband is highly critical of Wife's account of this event, because Wife "never testified [he] actually struck her.... [Wife's] testimony about what the officer saw is hearsay ... [and t]he record gives absolutely no indication of where said incident allegedly occurred .... where on her body she was allegedly struck ... [and] whether [Husband] allegedly used a hand, foot, or anything else." Husband's contentions defy reason. For the District Court to have granted a one-year protective order--which, we note, is the maximum duration for an initial order, see Md.Code (1984, 1999 Repl.Vol., 1999 Cum.Supp.), § 4-506(b)(2)(iii) of the Family Law Article--it must have found by clear and convincing evidence that abuse occurred or Husband must have consented to its entry, § 5- 506(c)(1)(ii), as he did here. By giving such consent, Husband as much as admitted that marital violence occurred.
>
> FN26. Wife testified:
> And my parents also took care of my children for several years while my husband went to school and I worked full-time. And at that time my relationship with my family got strained. Because of the stresses in the marriage, I could not relate to them properly.
> I would drop the children off there in the morning, and then all I had to do was pick them up in the afternoon and come right back because I was not allowed to stay, and I was fearful of staying.
> Q: Why were you afraid to stay?
> A: Because I was made to account for my time, and there was a point where I was made to account for my time for a whole week in half-an-hour increments. And that became very difficult because when you have two small toddlers and you're working, it becomes very hard to account for time like that. And basically it becomes a form of cruelty, a form of bullying, a form of intimidation.
> Q: Did you tell your family about this?
> A: I did not tell them anything for several years, but I think it was quite evident to them that I was under a lot of stress and tension....

[20] Husband also claims that Wife's testimony was largely uncorroborated. If true, Husband's assertion would be fatal to the final judgment, for "[a] court may not enter a decree of divorce on the uncorroborated testimony of the party who is seeking the divorce." Md.Code (1984, 1999 Repl.Vol.), § 7- 101(b) of the Family Law Article; see also Dicus v. Dicus, 131 Md. 87, 88, 101 A. 697 (1917) (corroboration required for charges of cruelty). We require corroboration to prevent collusion. Heinmuller v. Heinmuller, 133 Md. 491, 494-95, 105 A. 745 (1919); Timanus, 177 Md. at 687, 10 A.2d 322.

Corroboration

> "need not be testimony given by another or other witnesses to all of the same identical facts to the minutest particulars, but only their giving such facts in evidence as already testified to by petitioner, or such circumstances tending to