

Chart 4: Grounds for Divorce and Residency Requirements\*

STATE	No Fault Sole Ground	No Fault Added to Traditional	Incompatibility	Living Separate and Apart	Judicial Separation	Durational Residency Requirements**
<b>Alabama</b> ALA. CODE § 30-2-1 ALA. CODE § 30-2-2 ALA. CODE § 30-2-5		X	X	2 years	X	6 months
<b>Alaska</b> ALASKA STAT. § 25.24.050		X	X			None
<b>Arizona</b> ARIZ. REV. STAT. ANN. § 25-312 ARIZ. REV. STAT. ANN. § 25-313 ARIZ. REV. STAT. ANN. § 25-903	X	X <sup>1</sup>	X		X	90 days
<b>Arkansas</b> ARK. CODE ANN. § 9-12-301 ARK. CODE ANN. § 9-12-307		X <sup>1</sup>	X <sup>2</sup>	18 months	x	60 days
<b>California</b> CAL. FAM. CODE § 2310 CAL. FAM. CODE § 2311 CAL. FAM. CODE § 2312 CAL. FAM. CODE § 2320	X		X <sup>14</sup>		X	6 months
<b>Colorado</b> COLO. REV. STAT. § 14-10-106 COLO. REV. STAT. § 14-10-110	X		X <sup>3</sup>		X	91 days
<b>Connecticut</b> CONN. GEN. STAT. § 46B-40 CONN. GEN. STAT. § 46B-44		X	X	18 months	X	12 months
<b>Delaware</b> DEL. CODE ANN. TIT. 13 § 1503 thru § 1505		X	X	6 months	X	6 months
<b>District of Columbia</b> D.C. CODE § 16-902 D.C. CODE § 16-904	X			6 months or 1 year <sup>4</sup>	X	6 months
<b>Florida</b> FLA. STAT. § 61.021 FLA. STAT. § 61.052	X		X		X	6 months
<b>Georgia</b> GA. CODE ANN. § 19-5-2 GA. CODE ANN. § 19-5-3		X	X			6 months
<b>Hawaii</b> HAW. REV. STAT. § 580-1 HAW. REV. STAT. § 580-41 HAW. REV. STAT. § 580-42 HAW. REV. STAT. § 580-71	X		X	2 years	X	6 months
<b>Idaho</b> IDAHO CODE ANN. § 32-603 IDAHO CODE ANN. § 32-610 IDAHO CODE ANN. § 32-701		X	X <sup>6</sup>	5 years		6 weeks <sup>5</sup>
<b>Illinois</b> 750 ILL. COMP. STAT. 5/401 750 ILL. COMP. STAT. 5/402		X	X <sup>6</sup>	2 years or 6 months <sup>7</sup>	X	90 days
<b>Indiana</b> IND. CODE § 31-15-2-2 IND. CODE § 31-15-2-3 IND. CODE § 31-15-2-6 IND. CODE § 31-15-2-7		X	X		X	6 months <sup>8</sup>
<b>Iowa</b> IOWA CODE § 598.5 IOWA CODE § 598.17	X		X		X	None <sup>9</sup>
<b>Kansas</b> KAN. STAT. ANN. § 23-2701 KAN. STAT. ANN. § 23-2703		X	X		X	60 days
<b>Kentucky</b> KY. REV. STAT. ANN. § 403.050 KY. REV. STAT. ANN. § 403.140 KY. REV. STAT. ANN. § 403.170	X		X	60 days <sup>10</sup>	X	180 days

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<b>Louisiana</b> LA. CIV. CODE ANN. ART. 102 LA. CIV. CODE ANN. ART. 103 LA. CIV. CODE ANN. ART. 103.1		X <sup>1</sup>		180 days or 1 year <sup>1,11</sup>	X <sup>12</sup>	None
<b>Maine</b> ME. REV. STAT. ANN. TIT. 19-A § 901 ME. REV. STAT. ANN. TIT. 19-A § 902		X	X		X	6 months
<b>Maryland</b> MD. CODE ANN. FAM. L. § 7-101 thru § 7-103		X		12 months	X	1 year
<b>Massachusetts</b> MASS. GEN. LAWS CH. 208 § 1 MASS. GEN. LAWS CH. 208 § 1A MASS. GEN. LAWS CH. 208 § 1B MASS. GEN. LAWS CH. 208 § 2		X	X			1 year <sup>13</sup>
<b>Michigan</b> MICH. COMP. LAW § 552.6 MICH. COMP. LAW § 552.7 MICH. COMP. LAW § 552.9	X		X <sup>14</sup>		X	180 days
<b>Minnesota</b> MINN. STAT. § 518.06 MINN. STAT. § 518.07	X		X		X	180 days
<b>Mississippi</b> MISS. CODE ANN. § 93-5-1 MISS. CODE ANN. § 93-5-2 MISS. CODE ANN. § 93-5-5		X	X <sup>15</sup>			6 months
<b>Missouri</b> MO. REV. STAT. § 452.305 MO. REV. STAT. § 452.320	X <sup>16</sup>				X	90 days
<b>Montana</b> MONT. CODE ANN. § 40-4-104 MONT. CODE ANN. § 40-4-105	X		X	180 days	X	90 days
<b>Nebraska</b> NEB. REV. STAT. § 42-349 NEB. REV. STAT. § 42-350 NEB. REV. STAT. § 42-353	X		X		X	1 year
<b>Nevada</b> NEV. REV. STAT. § 125.010 NEV. REV. STAT. § 125.020 NEV. REV. STAT. § 125.190		X <sup>17</sup>	X	1 year <sup>18</sup>		6 weeks
<b>New Hampshire</b> N.H. REV. STAT. § 458:5 N.H. REV. STAT. § 458:7 N.H. REV. STAT. § 458:7-A N.H. REV. STAT. § 458:26		X	X	2 years	X	1 year
<b>New Jersey</b> N.J. STAT. ANN. § 2A:34-2 N.J. STAT. ANN. § 2A:34-3 N.J. STAT. ANN. § 2A:34-10		X	X <sup>19</sup>	18 months <sup>20</sup>	X	1 year
<b>New Mexico</b> N.M. STAT. ANN. § 40-4-1 N.M. STAT. ANN. § 40-4-2 N.M. STAT. ANN. § 40-4-5		X	X			6 months
<b>New York</b> N.Y. DOM. REL. § 170 N.Y. DOM. REL. § 200 N.Y. DOM. REL. § 230		X	X <sup>21</sup>	1 year <sup>22</sup>	X	1 year/ 2 years <sup>23</sup>
<b>North Carolina</b> N.C. GEN. STAT. ANN. § 50-6 N.C. GEN. STAT. ANN. § 50-7		X		1 year	X	6 months

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<b>North Dakota</b> N.D. CENTURY CODE ANN. § 14-05-03 thru § 14-05-09 N.D. CENTURY CODE ANN. § 14-05-17		X	X		X	6 months
<b>Ohio</b> OHIO ST. § 3105.01 OHIO ST. § 3105.03 OHIO ST. § 3105.17 OHIO ST. § 3105.61-65		X <sup>24</sup>	X <sup>25</sup>	1 year	X	6 months
<b>Oklahoma</b> OKLA. STAT. TIT. 43 § 101 thru 43 § 103		X	X		X	6 months
<b>Oregon</b> OR. REV. STAT. § 107.015 OR. REV. STAT. § 107.025 OR. REV. STAT. § 107.075	X		X		X	6 months
<b>Pennsylvania</b> 23 PA. CONS. STAT. ANN. 3301 23 PA. CONS. STAT. ANN. 3104		X	X	2 years		6 months
<b>Rhode Island</b> R.I. GEN. LAWS § 15-5-2 R.I. GEN. LAWS § 15-5-3 R.I. GEN. LAWS § 15-5-3.1 R.I. GEN. LAWS § 15-5-12		X	X	3 years	X	1 year
<b>South Carolina</b> S.C. CODE ANN. § 20-3-10 S.C. CODE ANN. § 20-3-30		X		1 year		1 year/3 months <sup>26</sup>
<b>South Dakota</b> S.D. CODIFIED LAW § 25-4-2 S.D. CODIFIED LAW § 25-4-17.2 S.D. CODIFIED LAW § 25-4-30		X	X		X	None
<b>Tennessee</b> TENN. CODE ANN. § 36-4-101 thru § 36-4-104	X	X	X	2 years	X	6 months
<b>Texas</b> TEX. FAM. CODE ANN. § 6.001 thru § 6.007 TEX. FAM. CODE ANN. § 16.301		X	X	3 years		6 months
<b>Utah</b> UTAH CODE ANN. § 30-3-1 UTAH CODE ANN. § 30-3-4.5		X	X	3 years	X	3 months
<b>Vermont</b> VT. STAT. ANN. TIT 15 § 551 VT. STAT. ANN. TIT 15 § 555 VT. STAT. ANN. TIT 15 § 592		X		6 months	X	6 months/ 1 year <sup>27</sup>
<b>Virginia</b> Va. Code Ann. § 20-91 VA. CODE ANN. § 20-97		X		1 year <sup>28</sup>		6 months
<b>Washington</b> WASH. REV. CODE § 26.09.030	X		X <sup>15</sup>		X	None
<b>West Virginia</b> W. VA. CODE § 48-5-103 W. VA. CODE § 48-5-105 W. VA. CODE § 48-5-201 thru § 48-5-209 W. VA. CODE § 48-6-201		X	X	1 year	X	1 year
<b>Wisconsin</b> WIS. STAT. § 767.301 WIS. STAT. § 767.315	X		X <sup>29</sup>	12 months	X	6 months
<b>Wyoming</b> WYO. STAT. ANN. § 20-2-104 thru § 20-2-107		X	X		X	60 days

\* Some states require the parties to wait for a specified period of time before they can file their first pleading in the divorce case. Of those states, some require an additional waiting period after the filing of the first pleading before the judgment can be entered, whereas other states allow the judgment to be entered almost immediately after the filing of the first pleading in the case. Other states make the parties wait for a specified period of time after filing the initial pleading but have no additional "waiting" requirement after the petition/complaint has been filed.

\*\* State residency time period required before the filing of a divorce petition.

1. Covenant marriage statutes establish specific grounds for divorce for covenant marriages.
2. Arkansas uses the term "general indignities" rather than "incompatibility."
3. Colorado's only ground for divorce is the no-fault claim of the irretrievable breakdown of the marriage. Colorado does not use the term "incompatibility."
4. Six months if the parties have mutually and voluntarily lived separately and apart, otherwise they must have lived separately and apart for one year.
5. Petitioner must be a resident for six weeks.
6. Uses the term "irreconcilable differences," rather than the term "incompatibility."
7. Requirement of two years living separate and apart can be waived if parties have lived separate and apart for six months and both stipulate in writing.
8. Must have been a resident of the state for six months, and a resident of the county for three months.
9. No durational residency requirement if Respondent is in Iowa, but there is a one-year residency requirement if only Petitioner is in Iowa.
10. Parties can obtain a divorce based on irretrievable breakdown, but only if the parties have been living separate and apart for at least sixty days.
11. One year if there are minor children.
12. Judicial separation only exists for covenant marriage.
13. One year residence required depending on the grounds for divorce.
14. The term "breakdown of the marriage relationship" is used rather than "incompatibility."
15. Available as grounds for divorce if petition is filed jointly.
16. Grounds for divorce under Mo. Rev. Stat. § 452.305 is "irretrievably broken." However, if one party denies this allegation, the petitioner must satisfy the court that one of five enumerated grounds exist for a finding of irretrievably broken. Those grounds are adultery that the petitioner cannot tolerate, respondent has "behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent," abandonment for six months, and separation for twelve months (if by consent) or twenty-four months (nonconsensual separation). MO. REV. STAT. § 452.320.
17. Grounds for divorce are limited to three situations.
18. Living separate for one year is not required if the petitioner pleads incompatibility.
19. New Jersey requires that irreconcilable differences cause the breakdown of the marriage for six months.
20. Only required for some grounds for divorce.
21. New York requires that the marriage has broken down irretrievably for a period of at least six months and one party has so stated under oath.
22. New York requires that the parties live separate and apart after the execution of a written separation agreement.
23. New York requires one year of residency if the parties were married in the state or resided in the state as husband and wife. New York requires at least one party establishes two years of residency if the parties were not married in the state.
24. Ohio does not use the term "no fault divorce." There is a separate cause of action called dissolution, which requires no allegation of grounds.
25. Incompatibility is a ground for divorce and for legal separation, but only if there is no objection from the opponent.
26. South Carolina's one-year residency requirement only applies where the plaintiff is a resident, but the defendant is not. If both parties are residents of South Carolina, the durational requirement is three months.
27. Vermont law states either party to the marriage has resided within the state for a period of six months or more, but a divorce shall not be decreed for any cause, unless the plaintiff or the defendant has resided in the state one year preceding the date of final hearing.
28. Only six months is required for couples that have a separation agreement and no minor children.
29. Wisconsin uses the term "irretrievable breakdown."