

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**
Alabama ALA. CODE § 30-2-1 ALA. CODE § 30-2-2 ALA. CODE § 30-2-5		X	X	2 years	X	6 months
Alaska ALASKA STAT. § 25.24.050		X	X			None
Arizona ARIZ. REV. STAT. ANN. § 25-312 ARIZ. REV. STAT. ANN. § 25-313 ARIZ. REV. STAT. ANN. § 25-903	X	X ¹	X		X	90 days
Arkansas ARK. CODE ANN. § 9-12-301 ARK. CODE ANN. § 9-12-307		X ¹	X ²	18 months	x	60 days
California CAL. FAM. CODE § 2310 CAL. FAM. CODE § 2311 CAL. FAM. CODE § 2312 CAL. FAM. CODE § 2320	X		X ¹⁴		X	6 months
Colorado COLO. REV. STAT. § 14-10-106 COLO. REV. STAT. § 14-10-110	X		X ³		X	91 days
Connecticut CONN. GEN. STAT. § 46B-40 CONN. GEN. STAT. § 46B-44		X	X	18 months	X	12 months
Delaware DEL. CODE ANN. TIT. 13 § 1503 thru § 1505		X	X	6 months	X	6 months
District of Columbia D.C. CODE § 16-902 D.C. CODE § 16-904	X			6 months or 1 year ⁴	X	6 months
Florida FLA. STAT. § 61.021 FLA. STAT. § 61.052	X		X		X	6 months
Georgia GA. CODE ANN. § 19-5-2 GA. CODE ANN. § 19-5-3		X	X			6 months
Hawaii 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
Idaho IDAHO CODE ANN. § 32-603 IDAHO CODE ANN. § 32-610 IDAHO CODE ANN. § 32-701		X	X ⁶	5 years		6 weeks ⁵
Illinois 750 ILL. COMP. STAT. 5/401 750 ILL. COMP. STAT. 5/402		X	X ⁶	2 years or 6 months ⁷	X	90 days
Indiana 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 ⁸
Iowa IOWA CODE § 598.5 IOWA CODE § 598.17	X		X		X	None ⁹
Kansas KAN. STAT. ANN. § 23-2701 KAN. STAT. ANN. § 23-2703		X	X		X	60 days
Kentucky KY. REV. STAT. ANN. § 403.050 KY. REV. STAT. ANN. § 403.140 KY. REV. STAT. ANN. § 403.170	X		X	60 days ¹⁰	X	180 days

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

Chart 4: Grounds for Divorce and Residency Requirements* (continued)

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North Dakota 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
Ohio OHIO ST. § 3105.01 OHIO ST. § 3105.03 OHIO ST. § 3105.17 OHIO ST. § 3105.61-65		X ²⁴	X ²⁵	1 year	X	6 months
Oklahoma OKLA. STAT. TIT. 43 § 101 thru 43 § 103		X	X		X	6 months
Oregon OR. REV. STAT. § 107.015 OR. REV. STAT. § 107.025 OR. REV. STAT. § 107.075	X		X		X	6 months
Pennsylvania 23 PA. CONS. STAT. ANN. 3301 23 PA. CONS. STAT. ANN. 3104		X	X	2 years		6 months
Rhode Island 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
South Carolina S.C. CODE ANN. § 20-3-10 S.C. CODE ANN. § 20-3-30		X		1 year		1 year/3 months ²⁶
South Dakota 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
Tennessee TENN. CODE ANN. § 36-4-101 thru § 36-4-104	X	X	X	2 years	X	6 months
Texas TEX. FAM. CODE ANN. § 6.001 thru § 6.007 TEX. FAM. CODE ANN. § 16.301		X	X	3 years		6 months
Utah UTAH CODE ANN. § 30-3-1 UTAH CODE ANN. § 30-3-4.5		X	X	3 years	X	3 months
Vermont 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 ²⁷
Virginia Va. Code Ann. § 20-91 VA. CODE ANN. § 20-97		X		1 year ²⁸		6 months
Washington WASH. REV. CODE § 26.09.030	X		X ¹⁵		X	None
West Virginia 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
Wisconsin WIS. STAT. § 767.301 WIS. STAT. § 767.315	X		X ²⁹	12 months	X	6 months
Wyoming 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."