

**36-4-101. Grounds for divorce from bonds of matrimony.**

The following are causes of divorce from the bonds of matrimony:

- (1) Either party, at the time of the contract, was and still is naturally impotent and incapable of procreation;
- (2) Either party has knowingly entered into a second marriage, in violation of a previous marriage, still subsisting;
- (3) Either party has committed adultery;
- (4) Willful or malicious desertion or absence of either party, without a reasonable cause, for one (1) whole year;
- (5) Being convicted of any crime which, by the laws of the state, renders the party infamous;
- (6) Being convicted of a crime which, by the laws of the state, is declared to be a felony, and sentenced to confinement in the penitentiary;
- (7) Either party has attempted the life of the other, by poison or any other means showing malice;
- (8) Refusal, on the part of a spouse, to remove with that person's spouse to this state, without a reasonable cause, and being willfully absent from the spouse residing in Tennessee for two (2) years;
- (9) The woman was pregnant at the time of the marriage, by another person, without the knowledge of the husband;
- (10) Habitual drunkenness or abuse of narcotic drugs of either party, when the spouse has contracted either such habit after marriage;

(11) The husband or wife is guilty of such cruel and inhuman treatment or conduct towards the spouse as renders cohabitation unsafe and improper which may also be referred to in pleadings as inappropriate marital conduct;

(12) The husband or wife has offered such indignities to the spouse's person as to render the spouse's position intolerable, and thereby forced the spouse to withdraw;

(13) The husband or wife has abandoned the spouse or turned the spouse out of doors for no just cause, and has refused or neglected to provide for the spouse while having the ability to so provide;

(14) Irreconcilable differences between the parties; and

(15) For a continuous period of two (2) or more years which commenced prior to or after April 18, 1985, both parties have lived in separate residences, have not cohabited as man and wife during such period, and there are no minor children of the parties.

### **36-4-102**

(b) If the other party specifically objects to legal separation, the court may, after a hearing, grant an order of legal separation, notwithstanding such objections if grounds are established pursuant to § 36-4-101. The court also has the power to grant an absolute divorce to either party where there has been an order of legal separation for more than two (2) years upon a petition being filed by either party which sets forth the original order for legal separation and that the parties have not become reconciled. The court granting the divorce shall make a final and complete adjudication of the support and property rights of the parties. However, nothing in this subsection shall preclude the court from granting an absolute divorce before the two-year period has expired.