

Grounds for Divorce in Tennessee by JACK W TAPPER

The grounds for obtaining a divorce in Tennessee are provided by statute law, found in Tennessee Codes Annotated (T.C.A.) 36-4-101. You can obtain a divorce on any one or more of these (paraphrased in parts from the actual language of the statute):

- (1) Either party, at the time of the marriage 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 in effect;
- (3) Either party has committed adultery;
- (4) Willful or malicious desertion or absence of either party, without a reasonable cause, for one whole year;
- (5) Being convicted of any crime that renders the other party infamous by the laws of the state;
- (6) Being convicted of a crime that, 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 move with the other spouse to this state, without a reasonable cause, and being willfully absent from the spouse residing in Tennessee for two 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 the habit after marriage;
- (11) The husband or wife is guilty of such cruel and inhuman treatment or conduct towards the spouse in such manner as renders cohabitation unsafe and improper; (this may be referred to in the pleadings for divorce 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 (This is usually considered as the “no-fault” ground where neither party has to point the finger of fault at the other.)

(15) Where both parties, for two or more years, have lived in separate residences, have not cohabited as man and wife during such time, AND there are no minor children of the marriage. (This is also considered a “no-fault” ground, provided you qualify with the conditions stated.)

Any Complaint for Divorce based on any of the above grounds must have been on file in the court for 60 days before being heard for the granting of a Final Divorce Decree if the parties have no unmarried child under 18 years of age; in the case where there is an unmarried child under 18 years of age, the time is extended to a 90 day waiting period. The days are counted from the date the Complaint for Divorce is filed with the court.

The grounds listed here are those appearing in the Tennessee laws as of 1/2010. Always consult the statutory reference for actual wording of the law and any updates or amendments.