

## DIVORCE GROUNDS IN TENNESSEE

**Legal grounds for absolute divorce in Tennessee** (In 29 years of practice as a family law attorney in Memphis, I have never had a client that wanted a divorce that did not end up divorced.)

Grounds must be proven or agreed. Grounds for divorce include the following:

- Irreconcilable differences between the parties ( \* This can only be used as grounds on cases that are fully settled by agreement)
- Inappropriate Marital conduct (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); This includes mental cruelty.
- Either party, at the time of the contract, was and still is naturally impotent and incapable of procreation;
- Either party has knowingly entered into a second marriage, in violation of a previous marriage, still subsisting;
- Either party has committed adultery;
- Willful or malicious desertion or absence of either party, without a reasonable cause, for one (1) whole year;
- Being convicted of any crime which, by the laws of the state, renders the party infamous;
- 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;
- Either party has attempted the life of the other, by poison or any other means showing malice;
- 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;
- The wife was pregnant at the time of the marriage, by another person, without the knowledge of the husband;
- Habitual drunkenness or abuse of narcotic drugs by either party, when the spouse has contracted either such habit after marriage;
- 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, the parties have not cohabitated as man and wife during such period, and there are no minor children of the parties;
- The husband has offered such indignities to the wife's person as to render the wife's condition intolerable, and thereby forced the wife to withdraw; (\*\*The wife has offered such indignities to the husband's person as to render the husband's condition intolerable, and thereby forced the husband to withdraw); and,

- The husband has abandoned the wife, or turned the wife out of doors, and refused or neglected to provide for the wife. (\*\* The wife has abandoned the husband, or turned the husband out of doors, and refused or neglected to provide for the husband).

**\*\* The equal protection clause of the Constitution of the United States and the Tennessee Constitution should no longer allow gender-based discrimination.**