

403.170 Marriage -- Irretrievable breakdown.

- (1) If both of the parties by petition or otherwise have stated under oath or affirmation that the marriage is irretrievably broken, or one of the parties has so stated and the other has not denied it, the court, after hearing, shall make a finding whether the marriage is irretrievably broken. No decree shall be entered until the parties have lived apart for 60 days. Living apart shall include living under the same roof without sexual cohabitation. The court may order a conciliation conference as a part of the hearing.
- (2) If one of the parties has denied under oath or affirmation that the marriage is irretrievably broken, the court shall consider all relevant factors, including the circumstances that gave rise to filing the petition and the prospect of reconciliation, and shall:
 - (a) Make a finding whether the marriage is irretrievably broken; or
 - (b) Continue the matter for further hearing not fewer than 30 nor more than 60 days later, or as soon thereafter as the matter may be reached on the court's calendar, and may suggest to the parties that they seek counseling. The court, at the request of either party shall, or on its own motion may, order a conciliation conference. At the adjourned hearing the court shall make a finding whether the marriage is irretrievably broken.
- (3) A finding of irretrievable breakdown is a determination that there is no reasonable prospect of reconciliation.

Effective: June 17, 1978

History: Amended 1978 Ky. Acts ch. 236, sec. 2, effective June 17, 1978. -- Created 1972 Ky. Acts ch. 182, sec. 7.