

# SENATE BILL 536

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0lr0752  
CF 0lr1650

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By: **Senator Kagan**

Introduced and read first time: January 30, 2020

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Divorce and Annulment – Removal of Barriers to Remarriage**

3 FOR the purpose of requiring a party who files a complaint for an absolute divorce or  
4 annulment to file an affidavit stating that the affiant has taken, or will take before  
5 the entry of final judgment, all steps within the affiant’s control to remove all  
6 barriers to remarriage by the other party to the marriage or that the other party  
7 waived in writing the submission of a certain affidavit; authorizing a party who files  
8 a certain affidavit to request that the other party to the marriage file a certain  
9 affidavit; prohibiting a court, under certain circumstances, from entering a final  
10 judgment of divorce or annulment; requiring a certain party to pay certain costs;  
11 specifying that a person who knowingly submits a false affidavit is guilty of the crime  
12 of perjury; defining a certain term; providing for the construction and application of  
13 this Act; and generally relating to absolute divorce and annulment and the removal  
14 of barriers to remarriage.

15 BY adding to

16 Article – Family Law  
17 Section 7–104.1  
18 Annotated Code of Maryland  
19 (2019 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Family Law**

23 **7–104.1.**

24 **(A) IN THIS SECTION, “BARRIER TO REMARRIAGE” MEANS ANY**  
25 **CONSCIENTIOUS RESTRAINT OR INHIBITION, SECULAR OR RELIGIOUS, AFFECTING**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 REMARRIAGE ACCORDING TO PRINCIPLES KNOWN BY THE PARTIES TO THE  
2 MARRIAGE TO HAVE BEEN HELD BY THE PERSON WHO SOLEMNIZED THE MARRIAGE  
3 OF THE PARTIES.

4 (B) THIS SECTION APPLIES ONLY TO A MARRIAGE SOLEMNIZED BY AN  
5 OFFICIAL OF A RELIGIOUS ORDER OR BODY AUTHORIZED BY THE RULES AND  
6 CUSTOMS OF THAT ORDER OR BODY TO PERFORM A MARRIAGE CEREMONY.

7 (C) (1) IN THIS SUBSECTION, "ALL STEPS" DOES NOT INCLUDE AN  
8 APPLICATION TO A MARRIAGE TRIBUNAL OR OTHER SIMILAR ORGANIZATION OR  
9 AGENCY OF A RELIGIOUS DENOMINATION THAT HAS AUTHORITY TO ANNUL OR  
10 DISSOLVE A MARRIAGE UNDER THE RULES OF THE RELIGIOUS DENOMINATION.

11 (2) A PARTY WHO FILES A COMPLAINT FOR AN ABSOLUTE DIVORCE  
12 OR ANNULMENT:

13 (I) SHALL FILE AN AFFIDAVIT STATING THAT:

14 1. THE AFFIANT HAS TAKEN, OR WILL TAKE BEFORE THE  
15 ENTRY OF FINAL JUDGMENT, ALL STEPS WITHIN THE AFFIANT'S CONTROL TO  
16 REMOVE ALL BARRIERS TO REMARRIAGE BY THE OTHER PARTY; OR

17 2. THE OTHER PARTY WAIVED, IN WRITING, THE  
18 SUBMISSION OF AN AFFIDAVIT DESCRIBED IN ITEM 1 OF THIS ITEM; AND

19 (II) MAY REQUEST THAT THE OTHER PARTY TO THE MARRIAGE  
20 FILE AN AFFIDAVIT STATING THAT THE OTHER PARTY HAS TAKEN, OR WILL TAKE  
21 BEFORE THE ENTRY OF FINAL JUDGMENT, ALL STEPS WITHIN THE OTHER PARTY'S  
22 CONTROL TO REMOVE ALL BARRIERS TO REMARRIAGE BY THE PARTY WHO MADE  
23 THE REQUEST.

24 (3) (I) IF A PARTY MAKES A REQUEST UNDER PARAGRAPH (2)(II)  
25 OF THIS SUBSECTION, A COURT MAY NOT ENTER A FINAL JUDGMENT OF DIVORCE OR  
26 ANNULMENT UNLESS THE OTHER PARTY FILES AN AFFIDAVIT STATING THAT THE  
27 OTHER PARTY HAS TAKEN, OR WILL TAKE BEFORE THE ENTRY OF FINAL JUDGMENT,  
28 ALL STEPS WITHIN THE OTHER PARTY'S CONTROL TO REMOVE ALL BARRIERS TO  
29 REMARRIAGE BY THE PARTY WHO MADE THE REQUEST.

30 (II) A COURT MAY NOT ENTER A FINAL JUDGMENT OF DIVORCE  
31 OR ANNULMENT IF THE INDIVIDUAL WHO SOLEMNIZED THE MARRIAGE CERTIFIES,  
32 IN AN AFFIDAVIT, THAT:

33 1. THE INDIVIDUAL SOLEMNIZED THE MARRIAGE OF THE

1 PARTIES; AND

2                                   **2. TO THE INDIVIDUAL’S KNOWLEDGE, A PARTY TO THE**  
3 **MARRIAGE FAILED TO REMOVE A BARRIER TO REMARRIAGE OF THE OTHER PARTY.**

4           **(D) THE PARTY WHO REQUESTS THE REMOVAL OF BARRIERS TO**  
5 **REARRIAGE SHALL PAY THE REASONABLE COSTS, IF ANY, ASSOCIATED WITH THE**  
6 **REMOVAL OF THE BARRIERS.**

7           **(E) THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE A COURT TO:**

8                           **(1) INQUIRE INTO OR DETERMINE ANY ECCLESIASTIC OR RELIGIOUS**  
9 **ISSUE; OR**

10                           **(2) ORDER A PARTY TO REMOVE A BARRIER TO REMARRIAGE.**

11           **(F) A PERSON WHO KNOWINGLY SUBMITS A FALSE AFFIDAVIT UNDER THIS**  
12 **SECTION SHALL BE GUILTY OF PERJURY AND ON CONVICTION IS SUBJECT TO THE**  
13 **PENALTY PROVIDED BY LAW.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to  
15 cases pending or filed on or after the effective date of this Act.

16           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
17 1, 2020.