

HOUSE BILL 324

D4
HB 1099/00 – JUD

71r0528

By: **Delegates Rosenberg, Ali, Anderson, Aumann, Barnes, Bronrott, Cardin, Dumais, Feldman, Lee, Levy, Manno, Montgomery, Ramirez, Shank, Stein, and Waldstreicher**

Introduced and read first time: January 31, 2007
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Removal of Religious Barriers to Remarriage**

3 FOR the purpose of requiring a party who files or does not contest a complaint or
4 countercomplaint for an absolute divorce or annulment to file, under certain
5 circumstances, an affidavit stating that the affiant has taken all steps solely
6 within the affiant's control to remove all religious barriers to remarriage by the
7 other party to the marriage; prohibiting a court, under certain circumstances,
8 from entering a decree for an absolute divorce or annulment until a certain
9 affidavit is filed or if the court determines that the affidavit was filed with the
10 knowledge of the affiant that it was false; providing for the construction and
11 application of this Act; and generally relating to absolute divorce and
12 annulment and the removal of religious barriers to remarriage.

13 BY adding to
14 Article – Family Law
15 Section 7–104.1
16 Annotated Code of Maryland
17 (2006 Replacement Volume)

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

20 **Article – Family Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7-104.1.**

2 (A) A PARTY WHO FILES OR DOES NOT CONTEST A COMPLAINT OR
3 COUNTERCOMPLAINT FOR AN ABSOLUTE DIVORCE OR ANNULMENT SHALL FILE,
4 ON THE REQUEST OF THE OTHER PARTY, AN AFFIDAVIT STATING, UNDER
5 PENALTY OF PERJURY, THAT THE AFFIANT HAS TAKEN ALL STEPS SOLELY
6 WITHIN THE AFFIANT'S CONTROL TO REMOVE ALL RELIGIOUS BARRIERS TO
7 REMARRIAGE BY THE OTHER PARTY.

8 (B) IF AN AFFIDAVIT IS REQUESTED UNDER THIS SECTION, THE COURT
9 MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE OR ANNULMENT UNTIL
10 THE AFFIDAVIT IS FILED.

11 (C) THE COURT MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE
12 OR ANNULMENT IF THE COURT DETERMINES THAT THE INDIVIDUAL WHO
13 SUBMITTED THE AFFIDAVIT UNDER SUBSECTION (A) OF THIS SECTION DID SO
14 WITH KNOWLEDGE THAT THE AFFIDAVIT WAS FALSE.

15 (D) THIS SECTION MAY NOT BE CONSTRUED TO:

16 (1) AUTHORIZE A COURT TO ORDER A PARTY TO REMOVE A
17 RELIGIOUS BARRIER TO REMARRIAGE;

18 (2) INHIBIT OR RESTRAIN AN INDIVIDUAL FROM PARTICIPATING
19 IN ECCLESIASTICAL TRIBUNAL PROCEEDINGS FOR A DECREE OF MATRIMONIAL
20 NULLITY OR MARITAL DISSOLUTION ACCORDING TO THE DULY ESTABLISHED
21 RELIGIOUS RULES AND CUSTOMS OF THAT RELIGIOUS BODY; OR

22 (3) INHIBIT OR RESTRAIN A RELIGIOUS BODY FROM ADHERING TO
23 ITS ECCLESIASTICAL RULES AND CUSTOMS GOVERNING MARRIAGE.

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

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2007.