

# SENATE BILL 533

D4  
HB 1099/00 – JUD

71r1634  
CF HB 324

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By: **Senators Gladden, Britt, Brochin, Frosh, Garagiola, and Jacobs**  
Introduced and read first time: February 2, 2007  
Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a party who files a complaint or countercomplaint for an  
4 absolute divorce or annulment to file, under certain circumstances, an affidavit  
5 stating that the affiant has taken all steps solely within the affiant's control to  
6 remove all religious barriers to remarriage by the other party to the marriage;  
7 prohibiting a court, under certain circumstances, from entering a decree for an  
8 absolute divorce or annulment until a certain affidavit is filed; providing for the  
9 construction and application of this Act; and generally relating to absolute  
10 divorce and annulment and the removal of religious barriers to remarriage.

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

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

18 **Article – Family Law**

19 **7–104.1.**

20 (A) **A PARTY WHO FILES A COMPLAINT OR COUNTERCOMPLAINT FOR AN**  
21 **ABSOLUTE DIVORCE OR ANNULMENT SHALL FILE, ON THE REQUEST OF THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **OTHER PARTY, AN AFFIDAVIT STATING THAT THE AFFIANT HAS TAKEN ALL**  
2 **STEPS SOLELY WITHIN THE AFFIANT'S CONTROL TO REMOVE ALL RELIGIOUS**  
3 **BARRIERS TO REMARRIAGE BY THE OTHER PARTY.**

4 **(B) IF AN AFFIDAVIT IS REQUESTED UNDER THIS SECTION, THE COURT**  
5 **MAY NOT ENTER A DECREE FOR AN ABSOLUTE DIVORCE OR ANNULMENT UNTIL**  
6 **THE AFFIDAVIT IS FILED.**

7 **(C) THIS SECTION MAY NOT BE CONSTRUED TO:**

8 **(1) REQUIRE A PARTY TO CONSULT WITH AN OFFICIAL OF A**  
9 **RELIGIOUS BODY AUTHORIZED BY LAW TO PERFORM A MARRIAGE CEREMONY**  
10 **TO DETERMINE WHETHER A RELIGIOUS BARRIER TO REMARRIAGE EXISTS;**

11 **(2) AUTHORIZE A COURT TO INQUIRE INTO OR DETERMINE AN**  
12 **ECCLESIASTICAL OR RELIGIOUS ISSUE;**

13 **(3) AUTHORIZE A COURT TO ORDER A PARTY TO REMOVE A**  
14 **RELIGIOUS BARRIER TO REMARRIAGE;**

15 **(4) INHIBIT OR RESTRAIN AN INDIVIDUAL FROM PARTICIPATING**  
16 **IN ECCLESIASTICAL TRIBUNAL PROCEEDINGS FOR A DECREE OF MATRIMONIAL**  
17 **NULLITY OR MARITAL DISSOLUTION ACCORDING TO THE DULY ESTABLISHED**  
18 **RELIGIOUS RULES AND CUSTOMS OF THAT RELIGIOUS BODY; OR**

19 **(5) INHIBIT OR RESTRAIN A RELIGIOUS BODY FROM ADHERING TO**  
20 **ITS ECCLESIASTICAL RULES AND CUSTOMS GOVERNING MARRIAGE.**

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

23 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
24 **October 1, 2007.**