
To: Members of The House Judiciary Committee

From: Family Law Section Council (FLSC)

Date: February 3, 2026

Subject: House Bill 95:
Family Law – Marriage License Applications – Appearance in Court

Position: **FAVORABLE WITH AMENDMENTS**

The Maryland State Bar Association (MSBA) FLSC **supports House Bill 95 with amendment.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,100 attorney members.

The FLSC agrees with the public policy initiative behind this legislation: to prevent fraud in the application for marriage licenses. The clerk’s of court in each county will be better able to ferret out attempted fraud if both parties to the marriage appear to make application. This requirement could also protect very young brides/grooms and those individuals who are victims of human trafficking.

However, the FLSC is concerned that this new requirement will have unintended consequences of creating a barrier to marriage for couples for which one of them is temporarily unable to appear in court for legitimate reasons, such as hospitalization, travel or deployment. The law currently includes an exception which allows an affidavit to be filed by one of the parties to be married. Unfortunately, that exception applies only to those who are “not residents of the county where the marriage ceremony is to be performed.” (See section (d) (1)). Accordingly, the FLSC would offer a suggested amendment to change the language at lines 17-19 on page 2 of the bill to read:

(d)(1) **If one of the parties to be married is unable to appear before the clerk**, the clerk shall accept, instead of the application specified in subsection (b) of this section, an affidavit from

one of the parties to be married. And then add, after line 21, a new line that adds a requirement that the affidavit contain the reason that the party is unable to appear before the clerk. Such as:

- (2) The affidavit required under paragraph (1) of this subsection shall:
- (i) contain the information required by subsection (b) of this section;
 - (ii) **contain the reason the party is unable to appear before the clerk;** and
 - (iii) Be sworn under oath before a clerk or other comparable official in the county, state, province, or country where the party resides.

For the reason(s) stated above, the MSBA FLSC **supports House Bill 95 WITH AMENDMENTS.**

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com.