

Department of Legislative Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 353 (Senator Hoffman)

Judicial Proceedings

Divorce and Annulment - Removal of Barriers to Remarriage

This bill provides that a party to a marriage that was performed by an official of a religious order or body who files an application for an absolute divorce or annulment must include a statement in the application that the applicant has taken “all steps solely within the applicant’s power” to remove all “barriers to remarriage” by the other party to the marriage. The divorce may not be granted unless this statement is filed or the other party to the marriage has waived in writing the requirement that the statement be filed. An individual who knowingly makes a false sworn statement in connection with the bill’s requirements is subject to the penalty of perjury.

The bill is to be construed retroactively and is to be applied to all proceedings for absolute divorce and annulment filed or pending on or before the October 1, 1998 effective date.

Fiscal Summary

State Effect: None. The bill would not directly affect State finances.

Local Effect: Minimal efficiency savings for the Judiciary (circuit courts).

Small Business Effect: None.

Fiscal Analysis

Local Effect: The bill’s requirements could streamline litigation in cases in which the barrier to remarriage issue might otherwise have been disputed. On the other hand, the bill adds an item that the courts will have to inquire into before granting divorces and annulments. However, it is expected that the impact on the Judiciary’s workload will be small enough that it can be handled with existing resources.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 12, 1998
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