
By: **Delegates Malone and Montague**
Introduced and read first time: February 22, 1999
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Covenant Marriage**

3 FOR the purpose of authorizing a man and a woman to enter into a covenant
4 marriage; requiring the parties to a covenant marriage to indicate their intent to
5 enter into a covenant marriage on the marriage license application and execute
6 a declaration of intent; requiring a declaration of intent to contain certain
7 information and be attached to the marriage license; establishing that a court
8 may decree an absolute divorce in the case of a covenant marriage only on
9 certain grounds under certain circumstances; defining a certain term; and
10 generally relating to a covenant marriage.

11 BY adding to
12 Article - Family Law
13 Section 2-203
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article - Family Law
18 Section 2-402(b), 2-403(b), and 7-103
19 Annotated Code of Maryland
20 (1999 Replacement Volume)

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

23 **Article - Family Law**

24 2-203.

25 (A) IN THIS SECTION, "COVENANT MARRIAGE" MEANS A MARRIAGE ENTERED
26 INTO BY A MAN AND A WOMAN IN WHICH THE PARTIES AGREE TO:

27 (1) PARTICIPATE IN PREMARITAL COUNSELING;

1 (2) MAKE ALL REASONABLE EFFORTS TO PRESERVE THE MARRIAGE
2 BEFORE SEEKING A DIVORCE, INCLUDING MARITAL COUNSELING; AND

3 (3) WAIVE THE RIGHT TO A NO-FAULT DIVORCE.

4 (B) A MAN AND A WOMAN MAY ENTER INTO A COVENANT MARRIAGE BY
5 DECLARING THEIR INTENT TO ENTER INTO A COVENANT MARRIAGE ON THE
6 MARRIAGE LICENSE APPLICATION UNDER § 2-402 OF THIS TITLE AND BY EXECUTING
7 A DECLARATION OF INTENT IN ACCORDANCE WITH SUBSECTION (C) OF THIS
8 SECTION.

9 (C) A DECLARATION OF INTENT SHALL:

10 (1) BE ATTACHED TO A MARRIAGE LICENSE IN ACCORDANCE WITH §
11 2-403 OF THIS TITLE; AND

12 (2) CONTAIN:

13 (I) A STATEMENT BY THE PARTIES THAT:

14 1. THEY INTEND TO ENTER INTO A COVENANT MARRIAGE;

15 2. THEY HAVE RECEIVED PREMARITAL COUNSELING
16 CONCERNING THE NATURE, PURPOSES, AND RESPONSIBILITIES OF MARRIAGE;

17 3. BEFORE SEEKING A DIVORCE, THEY AGREE TO MAKE ALL
18 REASONABLE EFFORTS TO PRESERVE THE MARRIAGE, INCLUDING MARITAL
19 COUNSELING; AND

20 4. THEY UNDERSTAND THE EXCLUSIVE GROUNDS FOR
21 DIVORCE UNDER § 7-103 OF THIS ARTICLE;

22 (II) AN AFFIDAVIT BY THE PARTIES THAT STATES THAT THE
23 PARTIES HAVE RECEIVED PREMARITAL COUNSELING FROM ANY OFFICIAL OR
24 CLERGYMAN OF ANY RELIGIOUS ORDER OR BODY, INCLUDING A PRIEST, RABBI, OR
25 MINISTER, OR A MARRIAGE COUNSELOR;

26 (III) A STATEMENT BY THE COUNSELOR WITNESSED BY A NOTARY
27 PUBLIC THAT CONFIRMS THAT THE PARTIES HAVE RECEIVED PREMARITAL
28 COUNSELING; AND

29 (IV) THE SIGNATURE OF BOTH PARTIES WITNESSED BY A NOTARY
30 PUBLIC.

31 2-402.

32 (b) Except as provided in subsections (d) and (e) of this section, to apply for a
33 license, 1 of the parties to be married shall:

34 (1) appear before the clerk and give, under oath, the following
35 information, which shall be placed on an application form by the clerk:

- 1 (i) the full name of each party;
- 2 (ii) the place of residence of each party;
- 3 (iii) the age of each party;
- 4 (iv) whether the parties are related by blood or marriage and, if so,
- 5 in which degree of relationship;
- 6 (v) the marital status of each party; [and]
- 7 (vi) whether either party was married previously, and the date and
- 8 place of each death or judicial determination that ended any former marriage; and

9 (VII) WHETHER THE PARTIES INTEND TO ENTER INTO A COVENANT
 10 MARRIAGE, AS DEFINED IN § 2-203 OF THIS TITLE; AND

11 (2) sign the application form.

12 2-403.

13 (b) (1) Attached to a license shall be 2 certificate forms that:

14 (i) read, "I hereby certify that on this day of,
 15 one thousand nine hundred and at, (state here name of
 16 husband) and (state here name of wife) were by me united in marriage in
 17 accordance with the license issued by the Clerk of the Circuit Court for"

18 (ii) provide a space for the signature of the authorized official who
 19 performs the marriage ceremony; and

20 (iii) provide spaces for the Social Security numbers of the parties.

21 (2) Attached to a license, in the case of a Society of Friends marriage
 22 ceremony, shall be 2 certificate forms that:

23 (i) read, "We hereby certify that on this day of, one
 24 thousand nine hundred and at we, (state here name of
 25 husband) and (state here name of wife) were united in marriage in
 26 accordance with the ceremony of the Society of Friends and in accordance with the
 27 license issued by the Clerk of the Circuit Court for"

28 (ii) provide spaces for the signatures of the parties and the 2
 29 overseers of the marriage ceremony; and

30 (iii) provide spaces for the Social Security numbers of the parties.

31 (3) ATTACHED TO A LICENSE, IN THE CASE OF A COVENANT MARRIAGE,
 32 SHALL BE THE CERTIFICATE FORMS REQUIRED UNDER PARAGRAPH (1) OR (2) OF THIS
 33 SUBSECTION AND A DECLARATION OF INTENT EXECUTED IN ACCORDANCE WITH §
 34 2-203 OF THIS TITLE.

1 7-103.

2 (a) [The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
3 court may decree an absolute divorce on the following grounds:

4 (1) adultery;

5 (2) desertion, if:

6 (i) the desertion has continued for 12 months without interruption
7 before the filing of the application for divorce;

8 (ii) the desertion is deliberate and final; and

9 (iii) there is no reasonable expectation of reconciliation;

10 (3) voluntary separation, if:

11 (i) the parties voluntarily have lived separate and apart without
12 cohabitation for 12 months without interruption before the filing of the application for
13 divorce; and

14 (ii) there is no reasonable expectation of reconciliation;

15 (4) conviction of a felony or misdemeanor in any state or in any court of
16 the United States if before the filing of the application for divorce the defendant has:

17 (i) been sentenced to serve at least 3 years or an indeterminate
18 sentence in a penal institution; and

19 (ii) served 12 months of the sentence;

20 (5) 2-year separation, when the parties have lived separate and apart
21 without cohabitation for 2 years without interruption before the filing of the
22 application for divorce;

23 (6) insanity if:

24 (i) the insane spouse has been confined in a mental institution,
25 hospital, or other similar institution for at least 3 years before the filing of the
26 application for divorce;

27 (ii) the court determines from the testimony of at least 2 physicians
28 who are competent in psychiatry that the insanity is incurable and there is no hope of
29 recovery; and

30 (iii) 1 of the parties has been a resident of this State for at least 2
31 years before the filing of the application for divorce;

32 (7) cruelty of treatment toward the complaining party, if there is no
33 reasonable expectation of reconciliation; or

1 (8) excessively vicious conduct toward the complaining party, if there is
2 no reasonable expectation of reconciliation.

3 (B) (1) SUBJECT TO THE COUNSELING REQUIREMENT UNDER PARAGRAPH
4 (2) OF THIS SUBSECTION, IF THE PARTIES HAVE ENTERED INTO A COVENANT
5 MARRIAGE UNDER § 2-203 OF THIS ARTICLE, THE COURT MAY DECREE AN ABSOLUTE
6 DIVORCE ON THE GROUNDS SPECIFIED IN SUBSECTION (A)(1), (2), (4), (6), (7), OR (8) OF
7 THIS SECTION.

8 (2) THE COURT MAY GRANT AN ABSOLUTE DIVORCE UNDER THIS
9 SUBSECTION ONLY IF THE PARTIES HAVE SUBMITTED TO THE COURT:

10 (I) AN AFFIDAVIT BY THE PARTIES THAT STATES THAT THE
11 PARTIES HAVE RECEIVED MARITAL COUNSELING FROM ANY OFFICIAL OR
12 CLERGYMAN OF ANY RELIGIOUS ORDER OR BODY, INCLUDING A PRIEST, RABBI, OR
13 MINISTER, OR A MARRIAGE COUNSELOR IN AN EFFORT TO PRESERVE THE
14 MARRIAGE; AND

15 (II) A STATEMENT BY THE COUNSELOR WITNESSED BY A NOTARY
16 PUBLIC THAT CONFIRMS THAT THE PARTIES HAVE RECEIVED MARITAL COUNSELING
17 IN AN EFFORT TO PRESERVE THE MARRIAGE.

18 [(b)] (C) Recrimination is not a bar to either party obtaining an absolute
19 divorce on the grounds set forth in subsection (a)(1) through (5) of this section, but is
20 a factor to be considered by the court in a case involving the ground of adultery.

21 [(c)] (D) Res judicata with respect to another ground under this section is not
22 a bar to either party obtaining an absolute divorce on the ground of 2-year
23 separation.

24 [(d)] (E) Condonation is not an absolute bar to a decree of an absolute divorce
25 on the ground of adultery, but is a factor to be considered by the court in determining
26 whether the divorce should be decreed.

27 [(e)] (F) (1) A court may decree an absolute divorce even if a party has
28 obtained a limited divorce.

29 (2) If a party obtained a limited divorce on the ground of desertion that
30 at the time of the decree did not meet the requirements of subsection (a)(2) of this
31 section, the party may obtain an absolute divorce on the ground of desertion when the
32 desertion meets the requirements of subsection (a)(2) of this section.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 1999.