

SENATE BILL 374

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HB 430/99 - JUD

2000 Regular Session
0lr0966
CF 0lr1318

By: **Senators Hoffman, Baker, Forehand, Hollinger, Mitchell, Haines,
Colburn, Frosh, Ruben, and Green**

Introduced and read first time: February 3, 2000

Assigned to: Judicial Proceedings

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

12 BY adding to
13 Article - Family Law
14 Section 7-104.1
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 1999 Supplement)

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

19 **Article - Family Law**

20 7-104.1.

21 (A) A PARTY WHO FILES A COMPLAINT OR COUNTERCOMPLAINT FOR
22 ABSOLUTE DIVORCE OR ANNULMENT SHALL FILE, ON THE REQUEST OF THE OTHER
23 PARTY, AN AFFIDAVIT STATING THAT THE AFFIANT HAS TAKEN ALL STEPS SOLELY
24 WITHIN THE AFFIANT'S CONTROL TO REMOVE ALL RELIGIOUS BARRIERS TO
25 REMARRIAGE BY THE OTHER PARTY.

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

1 (C) THIS SECTION MAY NOT BE CONSTRUED TO:

2 (1) REQUIRE A PARTY TO CONSULT WITH AN OFFICIAL OF A RELIGIOUS
3 BODY AUTHORIZED BY LAW TO PERFORM A MARRIAGE CEREMONY TO DETERMINE
4 WHETHER A RELIGIOUS BARRIER TO REMARRIAGE EXISTS;

5 (2) AUTHORIZE A COURT TO INQUIRE INTO OR DETERMINE AN
6 ECCLESIASTICAL OR RELIGIOUS ISSUE;

7 (3) AUTHORIZE A COURT TO ORDER A PARTY TO REMOVE A RELIGIOUS
8 BARRIER TO REMARRIAGE;

9 (4) INHIBIT OR RESTRAIN AN INDIVIDUAL FROM PARTICIPATING IN
10 ECCLESIASTICAL TRIBUNAL PROCEEDINGS FOR A DECREE OF MATRIMONIAL
11 NULLITY OR MARITAL DISSOLUTION ACCORDING TO THE DULY ESTABLISHED
12 RELIGIOUS RULES AND CUSTOMS OF THAT RELIGIOUS BODY; OR

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

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

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2000.