

SENATE BILL 374

Unofficial Copy  
D4  
HB 430/99 - JUD

2000 Regular Session  
0lr0966  
CF 0lr1318

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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

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 16, 2000

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CHAPTER \_\_\_\_\_

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 or  
4 agrees to sign a consent order for an absolute divorce or annulment to file, under  
5 certain circumstances, an affidavit stating that the affiant has taken all steps  
6 solely within the affiant's control to remove all religious barriers to remarriage  
7 by the other party to the marriage; prohibiting a court, under certain  
8 circumstances, from entering a decree for an absolute divorce or annulment  
9 until a certain affidavit is filed; providing for the construction and application of  
10 this Act; and generally relating to absolute divorce and annulment and the  
11 removal of religious barriers to 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 OR AGREES  
22 TO SIGN A CONSENT ORDER FOR ABSOLUTE DIVORCE OR ANNULMENT SHALL FILE,

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

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

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

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

15 (4) INHIBIT OR RESTRAIN AN INDIVIDUAL FROM PARTICIPATING IN  
16 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 ITS  
20 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, 2000.