

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

House Bill 1158
Judiciary

(Delegate Anderson, *et al.*)

Family Law - Marriage Licenses - Premarital Preparation Course

This bill alters the waiting period for a marriage license to become effective if the parties do not complete a premarital preparation course.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources.

Local Effect: The bill's requirements could be met with exiting resources.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill provides that a marriage license becomes effective at 6 a.m. on the second calendar day after the license is issued if the parties submit a certificate of completion for a premarital course that meets statutory guidelines. A marriage license is not effective until 6 a.m. on the thirtieth day after the license is issued if the parties do not submit a certificate of completion for a premarital course, as specified in statute. The bill incorporates the statutory guidelines for an appropriate premarital preparation course.

Current Law: A county is authorized to discount a marriage license fee if the marriage parties have completed, within one year before the date of the license application, a premarital preparation course that meets statutory requirements. The amount of discount is determined by the county governing body. A premarital preparation course must consist of four hours of instruction and include conflict management, communication skills, financial responsibilities, and children and parenting responsibilities. The statute

specifies requirements for authorized course instructors and the certificate of completion. The cost of the premarital preparation course must be paid by the license applicants. The discount for the premarital preparation course may not be applied to any fee used to fund domestic violence programs.

A marriage license is not effective until 6 a.m. on the second calendar day after the license is issued. For good cause shown, the circuit court judge for the county where the marriage application is made may authorize the license to become effective before the waiting period expires if one of the parties is a resident of Maryland or a member of the U.S. armed forces.

If the clerk finds that there is a legal reason why the applicants should not be married during the questioning of applicants, the clerk must withhold the license unless the court orders the clerk to issue the license.

The Department of Health and Mental Hygiene must provide birth control information and a list of family planning clinics in the county where the license is issued to the clerk of court. When the clerk issues a license, the clerk must make the family planning information and list available to each license applicant.

A clerk is prohibited from predating a license. A clerk who violates this provision is guilty of a misdemeanor and is subject to a maximum fine of \$100 for a first offense. For each subsequent offense, the penalty increases to a maximum fine of \$500 and/or up to 90 days imprisonment.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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mp/jr

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