

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 168

(Senator Greenip, *et al.*)

Judicial Proceedings

Family Law - Covenant Marriage

This bill authorizes a man and a woman to enter into a covenant marriage, in which the parties agree to • participate in premarital counseling; • make all reasonable efforts to preserve the marriage before seeking a divorce, including marital counseling; and • waive the right to a no-fault divorce. Parties wishing to enter into a covenant marriage must declare their intent to do so on the marriage license application and submit a declaration of intent containing specified elements. If the parties have met the counseling requirement, the court may grant an absolute divorce decree on the grounds of • adultery; • desertion, under specified circumstances; • insanity, under specified circumstances; • a felony or misdemeanor conviction under specified circumstances or; • cruelty of treatment or excessively vicious conduct toward the complaining party or a minor child of the complaining party. The court may grant an absolute divorce only if the parties have submitted an affidavit and a statement from the marriage counselor witnessed by a notary public that the parties have received marital counseling in an effort to save the marriage.

Fiscal Summary

State Effect: None. The bill is not expected to have a material effect on governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: To apply for a marriage license, one of the parties to be married must appear before the clerk and fill out a marriage license application with specified personal identifying information, information on each party's marital status and the Social Security number of each party. If the parties to be married are not residents of the county where the license is requested, then the clerk must accept an affidavit with specified information from one of the parties. In Cecil County, both parties must appear before the clerk to apply for a marriage license. State law authorizes a county to discount the fee for a marriage license if a couple completes premarital counseling that meets specified requirements within 1 year before the application date on the marriage license

A court may decree an absolute divorce on the following grounds:

- adultery;
- desertion, as specified;
- voluntary separation, as specified;
- conviction of a felony or misdemeanor in any state or federal court, if the defendant has been sentenced to serve at least three years, or an indeterminate sentence, and has served 12 months of the sentence;
- two-year separation, when the parties have lived separate and apart without cohabitation for two years before the filing of the divorce application;
- insanity, as specified;
- cruelty of treatment toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation; or
- excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

State law does not require a married couple to undergo marital counseling before granting a limited or absolute divorce.

Additional Information

Prior Introductions: This bill is a reintroduction of HB 1076 of 1999, which received an unfavorable report from the House Judiciary Committee.

Cross File: None.

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

Fiscal Note History: First Reader - February 12, 2008
mam/hlb

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510