

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 911
Judiciary

(Delegate Atterbeary, *et al.*)

Judicial Proceedings

Family Law - Marriage - Age Requirements

This bill repeals provisions authorizing individuals ages 15, 16, or 17 to marry under specified circumstances and establishes that, subject to a specified exception, individuals younger than age 18 may not marry.

Fiscal Summary

State Effect: Any minimal decrease in marriage license fee revenues does not materially impact State finances. The bill does not materially impact the workload of the Judiciary.

Local Effect: Any minimal decrease in marriage license fee revenues does not materially impact local finances. The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Bill Summary: An individual who is age 16 or 17 may marry if (1) the individual has the consent of a parent or guardian and the guardian swears that the individual is at least age 16; (2) the other party is no more than four years older than the individual; and (3) a judge of the circuit court, after an evidentiary hearing, grants a petition for a marriage license filed by the parent or guardian. In making a determination on a petition, the judge must consider whether (1) it is the minor's own will to enter into the marriage or the minor is being compelled to marry against the minor's will by force, threats, persuasion, menace, or duress; (2) the parties to be married are mature enough to make a decision to marry; and (3) the marriage will endanger the safety of the minor. In making a finding regarding the

minor's safety, the court must consider (1) whether either individual to be married has been convicted of specified crimes and (2) any history of violence between the parties to be married.

The bill also makes conforming changes to provisions relating to the issuance and delivery of a marriage license by the clerk of court.

Current Law: An individual younger than age 15 may not marry. An individual age 16 or 17 may not marry unless (1) the individual has the consent of a parent or guardian and the parent or guardian swears the individual is at least age 16 or (2) if the individual does not have consent, either party to be married presents the clerk of the circuit court a certificate from a licensed physician or physician assistant or certified nurse practitioner stating that an examination of the woman to be married demonstrates that she is pregnant or has given birth to a child. An individual who is age 15 may not marry without consent of a parent or guardian and a certificate from a medical professional, as specified above.

Background: The Judiciary advises that in 2014, there were 76 marriages of individuals between the ages of 15 and 17.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - March 2, 2016
kb/kdm Revised - House Third Reader - March 29, 2016

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