

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1319

(Delegate Arikana, *et al.*)

Judiciary

Family Law - Grounds for Divorce - Gender Transition

This bill adds gender transition of a spouse to the grounds for an absolute divorce. The court may decree an absolute divorce on the ground of gender transition if the complaining party proves that the other party has transitioned (or is in the process of transitioning) to a gender that is different from the other party's gender at the time of the marriage. The complaining party must present sufficient evidence that the other party (1) self-identifies as a different gender than the gender at the time of marriage; (2) has undergone gender confirmation surgery; or (3) has begun a course of medication with the intent to transition to a different gender.

Fiscal Summary

State Effect: General fund expenditures for the Judiciary increase by \$10,600 in FY 2023 only for programming changes. Otherwise, the bill does not materially affect the operations or finances of the Judiciary.

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	10,600	0	0	0	0
Net Effect	(\$10,600)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill does not materially affect the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: A court may grant an absolute divorce on the following grounds:

- adultery;
- desertion, if the desertion is deliberate and final, has continued for 12 months without interruption, and there is no reasonable expectation of reconciliation;
- 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;
- 12-month separation, when the parties have lived separate and apart without cohabitation for 12 months without interruption before the filing of the divorce application;
- insanity, as specified; or
- cruelty of treatment or excessively vicious conduct toward the complaining party or a minor child of the complaining party, if there is no reasonable expectation of reconciliation.

A court may also grant an absolute divorce on the ground of mutual consent if:

- the parties execute and submit to the court a written settlement agreement signed by both parties that resolves all issues relating to (1) alimony; (2) the distribution of property, as specified; and (3) the care, custody, access, and support of minor or dependent children;
- the parties attach to the settlement agreement a completed child support guidelines worksheet if the settlement agreement provides for the payment of child support;
- neither party files a pleading to set aside the settlement agreement prior to the divorce hearing required under the Maryland Rules; and
- after reviewing the settlement agreement, the court is satisfied that any terms relating to minor or dependent children are in the best interests of those children.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

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