

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 29

(Senator Elfreth)

Judicial Proceedings

Judiciary

Family Law - Marriage - Age Requirements

This bill repeals provisions authorizing individuals ages 15 and 16 to marry under specified circumstances and establishes that an individual younger than age 17 may not marry. The bill also authorizes a minor who is married to file an action for divorce and specifies that the minor must be deemed emancipated for the limited purpose of obtaining a divorce.

Fiscal Summary

State Effect: The bill is not anticipated to materially impact State operations or finances.

Local Effect: The bill is not anticipated to materially impact local operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Under current law, an individual younger than age 15 may not marry. An individual who is age 15 may not marry without the consent of a parent or guardian *and* a certificate from a medical professional, as specified, stating that an examination of the woman to be married demonstrates that she is pregnant or has given birth. The bill repeals these provisions.

Under current law, 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. The bill repeals applicability of these provisions to 16-year-olds (a 17-year-old remains subject to the requirements) and establishes that a person younger than age 17 may not marry.

There are no statutory provisions for the emancipation of a minor. Article 1, § 24 of the Annotated Code of Maryland establishes that the age of majority is age 18. Except as otherwise provided, the term “minor,” as it pertains to legal age and capacity, means an individual younger than age 18.

Additional Information

Prior Introductions: None. However, numerous bills related to the marriage of minors have been introduced in prior sessions. SB 173 of 2021 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, HB 242, passed the House as amended and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. HB 1231 of 2020 passed the House with amendments and was referred to the Senate Judicial Proceedings Committee, but no further action was taken. Its cross file, SB 949, received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken. Related bills were also introduced in prior sessions.

Designated Cross File: HB 83 (Delegate Atterbeary) - Judiciary.

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

Fiscal Note History: First Reader - January 20, 2022
fnu2/lgc Third Reader - March 17, 2022
Revised - Amendment(s) - March 17, 2022
Revised - Clarification - March 17, 2022

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