

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 323
Judiciary

(Delegate Forbes)

Judicial Proceedings

Domestic Partnership and Marriage - Required Information

This bill specifies, when registering a domestic partnership or obtaining a marriage license, that the full *legal* name and date of birth of each party must be provided, in addition to other requirements specified in statute. The bill also requires for each domestic partnership registration filed with the register of wills to include the Social Security number (SSN) of each party who has one. The SSN provided by a party may not be disclosed as part of the public record of the declaration of domestic partnership, except as provided in § 4-334 of the General Provisions Article.

Fiscal Summary

State Effect: The bill may help protect federal funding by ensuring that Maryland law complies with federal requirements, as discussed below.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Current Law:

Registered Domestic Partnerships – Generally

Chapter 647 of 2023 allows the registration of domestic partnerships to have the same effect as marriage under various provisions of the Estates and Trusts Article of the Maryland Code. Two individuals may register a domestic partnership by filing a

declaration of domestic partnership with the register of wills in the county in which the domestic partners are domiciled. A declaration filed with the register of wills must:

- include (1) the full name of each domestic partner; (2) the home address of each domestic partner; and (3) the age of each domestic partner;
- be signed directly by each party, or by another individual, at the express direction of the party and in the party's presence;
- be signed in the physical presence of a notary public or before a notary public through communication technology in accordance with the State Government Article; and
- affirm under penalty of perjury that each domestic partner is (1) at least age 18; (2) the sole domestic partner of the other; (3) not married; and (4) in a committed relationship with the other individual.

The register must maintain adequate records of declarations of domestic partnership, amendments to declarations of domestic partnership, and termination statements. A declaration of domestic partnership filed with a register of wills is a public record. The register must deny inspection of the part of a declaration of a domestic partnership that contains the home address of either domestic partner.

Obtaining a Marriage License

Statute establishes certain procedures for individuals obtaining a marriage license. In order to apply for a marriage license, one of the parties to be married must:

- appear before a court clerk and give, under oath, specified information, which must be placed on an application form by the clerk, including (1) the full name of each party; (2) the place of residence of each party; and (3) the age of each party;
- sign the application form; and
- provide the clerk with the SSN of each party who has one and a copy of an official government-issued birth certificate or other official government-issued document or record demonstrating the age of each party.

The SSN of the parties must be included in the electronic file for the marriage license application and, except as otherwise provided by statute (discussed below), may not be disclosed as part of the public record of the marriage license application.

Section 4-334 of the General Provisions Article

Generally, a custodian must deny inspection of the part of an application for a marriage license that contains an SSN. A custodian must, however, allow inspection of the part of

an application for a marriage license that contains an SSN by a person in interest or, on request, the State Child Support Administration.

Requirements of Statutorily Prescribed Procedures to Improve the Effectiveness of Child Support Enforcement

As a condition of receiving certain federal funding, states must have in effect laws requiring the use of specified procedures to increase the effectiveness of the child support enforcement program in the state. This includes procedures to require the SSN (if the individual has one) to be recorded for (1) any applicant for a professional, driver's, occupational, recreational, or marriage license and (2) any individual who is subject to a divorce decree, support order, or paternity determination.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 286 (Senator West) - Judicial Proceedings.

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

Fiscal Note History: First Reader - January 28, 2025
js/jkb Third Reader - February 21, 2025

Analysis by: Amanda L. Douglas

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