
To: Members of The Senate Judicial Proceedings Committee

From: MARYLAND STATE BAR FAMILY AND JUVENILE LAW SECTION COUNCIL – Ilene Glickman, Legislative Committee Chair and Daniel Renart, Legislative Committee Chair

Date: February 18, 2020

Subject: **Senate Bill 536** – Divorce and Annulment – Removal of Barriers to Remarriage

Position: **OPPOSE**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members. The Maryland State Bar Association (MSBA) Family and Juvenile Law Section **opposes Senate Bill 536 – Divorce and Annulment – Removal of Barriers to Remarriage.**

This bill would prohibit a court from finalizing a divorce or annulment unless one or both parties file an affidavit stating that the party took or will take all reasonable steps to remove any barriers to remarriage. However, the bill also provides that a party is *not* required to apply to a religious tribunal for divorce or annulment under the rules of the religious denomination. This bill is internally inconsistent and would require parties to file affidavits that have no practical effect. More importantly, insofar as this bill requires parties to a civil State proceeding to take action regarding a religious issue, the Family and Juvenile Law Section Council believes this bill violates the constitutional concept of separation between church and state.

For the reasons stated above, the MSBA **opposes Senate Bill 536 and urges an unfavorable committee report.**

Should you have any questions, please contact Daniel Renart by e-mail at drenart@rghlawyers.com or by telephone at 301-383-1525.