



Working to end sexual violence in Maryland

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Testimony Supporting Senate Bill 536 with Amendments
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI) which provides direct legal services for survivors across Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 536 with Amendments.

Senate Bill 536 – Removing Barriers to Divorce

This bill requires that parties seeking a divorce file an affidavit confirming that all barriers to remarriage by the other party have been removed. This responds to the needs of some wives in the Orthodox Jewish community, often including women who have experienced domestic violence and sexual abuse. According to Jewish law, a wife can refuse to accept a divorce initiated by her husband, but only a husband can initiate and finalize religious divorce proceedings. Even if a woman obtains a civil divorce, she is not considered divorced under Jewish law until her husband issues a *get*. Without it, she is deemed an *agunah*, a "chained wife" — she cannot date or remarry within the religious community in which she was raised, and any children she has with a new husband are deemed illegitimate. While there are plenty of cases in which Orthodox Jewish couples divorce without incident, for some husbands, refusing to offer a *get* is a way to control their wives — to extort money, to blackmail them for custody over children, or as a tool of continuing abuse and domestic violence.

MCASA notes that the Office of the Attorney General has analyzed this bill and believes it is not facially unconstitutional.

MCASA joins in the concerns expressed by the Women's Law Center of Maryland and the Family Law Section of the Maryland State Bar Association. In particular, we note that many family law litigants proceed *pro se* and the affidavit requirement as drafted may create an unnecessary barrier. However, the problem addressed by SB536 is important and MCASA encourages the Committee to amend the bill to address these concerns and report favorably on the legislation.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 536 with Amendments**