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WRITTEN TESTIMONY

Senate Bill 536 (SB536) - Divorce and Annulment - Removal of Barriers to Remarriage

Senate Judicial Proceedings Committee

February 18, 2020

SUPPORT

Background: SB536 requires a person who files a complaint for an absolute divorce or annulment to file an affidavit stating that the affiant has taken, or will take before the entry of final judgment, all steps within the affiant's control to remove all barriers to remarriage by the other party, or an affidavit stating that the other party has, in writing, waived the submission of an affidavit with respect to the removal of barriers. The bill also permits the person who filed a complaint to request the other party to submit an affidavit with respect to the removal of barriers.

Written Comments: The Baltimore Jewish Council represents The Associated: Jewish Community Federation of Baltimore and its agencies. Through the agency CHANA, the Jewish response to abuse, trauma and neglect, community members of all ages are able to receive crisis intervention, legal services and counseling on sexual and domestic abuse.

For many years, CHANA has worked with Jewish women who face financial, mental, physical and/or verbal abuse because their husbands refuse to grant them a "get" or Jewish divorce document. A get is a writ of Jewish divorce which terminates a marriage and enables the parties to remarry under Jewish law. It may only be presented by a husband to his wife. Without a get, neither party can remarry, and their children are considered illegitimate. Women often feel forced to stay in their bad marriages or to take an unfavorable and often coercive civil divorce settlement in order to receive their get from their husbands.

While most men are willing to grant a get at the time of civil divorce, for those who do not, their civil ex-wives are known as "agunot" – or chained women – and they face many hardships, as their vengeful ex-husbands can exploit the get process for leverage related to alimony, visitation rights or domestic abuse charges. Some ex-husbands simply want to hold the power over their ex-wives to block them from finding happiness – a clear example of domestic abuse.

While the Jewish community has worked on various non-legislative solutions, that has not been enough in some extreme cases. This legislative approach – similar to what has been working effectively in New York – offers a common-sense solution to ending the abusive situation faced by some observant women. When someone seeks a civil divorce, he or she must not maintain a barrier that would prevent their spouse from similarly carrying on with his or her life. This

bill would also achieve the important societal purpose of encouraging the formation of new families after the dissolution of a marriage.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB536.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of the Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.