

# **AL Testimony \_FAV\_ SB536**

Uploaded by: Anonymous, Anonymous

Position: FAV

## **Favorable Statement**

### **SB0536/HB833: Divorce and Annulment - Removal of Barriers to Remarriage**

**Senate Judicial Proceedings Committee**

**House Judiciary Committee**

**February 18<sup>th</sup>, 2020**

I submit this testimony in support of SB0535/HB0833 to ensure the religious barriers to remarriage after divorce are eliminated. Jewish law provides for religious divorce or “Get”, but it requires agreement by both parties. Without a Get, it is not possible to remarry with a religious marriage. Withholding a Get is a form of control and for some women, in particular, living as an aguna or “chained” woman without a Get can mean the difference between being able to start anew. In 2018, my husband and I ended a marriage of over 40 years. Making sure that I had a Jewish divorce or “Get” as well as a civil divorce was important to me. Therefore, I worked with my attorney to include the Get in the separation agreement, which my husband and I both signed. It stated that 30 days after the civil divorce was official, we were to have completed all steps involved in finalizing our religious divorce. I did not want there to be any reason for him not to cooperate, so I offered to make all the arrangements and cover any associated costs. I did not anticipate that receiving a Get would be an issue, but I ended up being very wrong.

After our divorce, my husband, who lives out of state, made it apparent that he would make it difficult to fulfil our agreement. I worked with Kayama, a non-profit organization that assists with obtaining a legal Jewish divorce, to help with paperwork and ensure that this was an easy process for him. However, he gave them excuses to delay before completely cutting off contact.

My attorney offered to write letters related to his lack of compliance with the agreement, but we knew that the civil court would not have the authority to intervene or enforce the agreement. I then initiated the process with the Rabbinical Court in his state, but he refused to respond. I had done everything in my power to make giving me the closure I needed as simple and as painless for him as possible. But it wasn’t enough.

In one final act of frustration, I decided to reach out to ORA, Organization for the Resolution of Agunot. I did not want to have to put either of us through any of the public strategies that ORA uses, so I was relieved that before I began work with ORA, something changed and my husband decided to cooperate. I was much more fortunate than some women whose spouses withhold a Get. It took me over a year and a half to finally receive my religious divorce. I don’t know that I will ever want to remarry, but having this religious closure is incredibly important to me. I am not sure if this bill will help every *aguna*, but even if it helps just one woman avoid the pain that I and others experience, I think it is important.

As a proud Marylander, I urge the members of this committee to report favorably on SB536/HB.

Thank you.

Anonymous

**JCRC\_FAV\_SB536**

Uploaded by: Bagwell, Ashlie

Position: FAV



**Senate Bill 536 (SB536)**  
**Divorce and Annulment - Removal of Barriers to Remarriage**  
**Senate Judicial Proceedings Committee**  
**February 18, 2020**

Thank you for the opportunity to provide written testimony on behalf of the Jewish Community Relations (JCRC) Council of Greater Washington. The JCRC of Greater Washington is the public affairs and community relations arm of over 100 Jewish institutions in suburban Maryland, Northern Virginia and in the District of Columbia, a region with a Jewish population of over 300,000 people.

According to Jewish law, for a Jewish couple to be divorced, the wife must receive a *get*, - a legal document, from her husband.

Jewish women who have not received this document are in Hebrew called *agunot* or chained, because they are still technically married, unable to remarry, and therefore caught in a state of limbo.

Under Jewish law, a civil divorce cannot serve as a substitute for a *get*. Without a *get*, no matter how long the couple is separated, in the eyes of Jewish law the couple is still married.

Under Orthodox approaches to Jewish law, a *get* generally cannot be compelled. While most men do give their wives a *get*, there are some men who refuse, because they are unhappy with the financial or custody arrangements or they are simply operating out of malice. In some cases, men have demanded an outrageous sum of money. Under any of these circumstances, it is abusive behavior that can no longer be tolerated.

Many rabbis today require couples to enter a religiously valid and legally enforceable prenuptial agreement that requires them each to consent to a *get* should they become divorced.

Unfortunately, that approach does not solve the problem for those who marry without such an agreement. Despite many attempts to develop a religiously acceptable, comprehensive solution, Jewish authorities have been unable to do so, and therefore we are seeking a legislative remedy that frees these women, without violating principles of separation of religion and state.

We believe that Senator Cheryl Kagan's bill, based on a longstanding New York law, has identified a legislative remedy in Bill SB536. The bill adopts a simple remedy to a complex problem – it requires a party seeking divorce to attest that he or she has removed all barriers to remarriage by the other party. It is a secular, neutral remedy that will bring meaningful and desperately needed relief to these trapped women.

We applaud Senator Kagan's leadership and urge the committee to pass this legislation.

# **CHANA\_FAV\_SB536**

Uploaded by: Bikoff, Alichia

Position: FAV



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CHANA  
Advocacy and supportive  
services for domestic abuse

The Shofar Coalition  
Prevention and healing services  
for childhood trauma and  
sexual abuse

SAFE: Stop Abuse of Elders  
Education and intervention  
services for older adults

**WRITTEN TESTIMONY**  
**Senate Bill 536 (SB536) - Divorce and Annulment - Removal of Barriers**  
**to Remarriage**  
**Senate Judicial Proceedings Committee**  
**February 18, 2020**

**SUPPORT**

Mr. Chairman and Members of the Committee,

My name is Alicia Bickoff. I am testifying in favor of SB 536 and HB 833. I am the Director of Programs at CHANA, a Program of the Associated: Jewish Federation of Baltimore. CHANA is a domestic violence, sexual abuse, and elder abuse agency that serves the citizens of Baltimore County and City. Approximately 90% of our domestic violence clients are Jewish and about half of them identify as part of the Orthodox community.

Women in abusive marriages come to CHANA because they want to know their options and rights. They meet with a legal advocate to discuss civil and religious divorces. The discussion about a religious divorce is not a matter of protocol – it is based on need. Most of our religious clients have been told repeatedly by their husbands that they will never be given a get, or that they only will receive one in exchange for surrendering their custodial or financial rights. When clients walk through our doors, the threat of being an agunah – a chained woman – is foremost on their minds.

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.

What underlies all domestic violence is power and control. Our clients experience physical, sexual, psychological, financial, technological and spiritual abuse. Some are hit, kicked, and raped, while others are told daily that they are stupid and worthless. The act or threat of withholding a get is a continuation of that abuse. It brings truth to the threat of, “If I can’t have you, no one will.” because their wives cannot remarry without a get. Even when a victim takes civil action to leave their abusers, the get disables them from truly being free.

We have seen abusers who have withheld gets for over a decade, who flee the country rather than give a get, or who demand thousands of dollars for a get. We have seen abusers who leave the religious community to avoid pressure to comply. These abusers do not care, while their wives still do. Their wives are forced to choose to follow their cultural beliefs or leave their religious community in order to remarry – no one should be in that position.



This is not the plight of an isolated minority. This bill will help numerous women. CHANA has seen an abundance of clients who have been victim of a get being withheld or the get being used as leverage in divorce proceedings. It does not include the countless number of victims who stay in abusive relationships as a result of threats of being denied a get. They see no point in getting a civil divorce or receiving services. This bill will address and avail some of those concerns. We ask you to support this bill so that our clients can receive the full relief that a civil divorce is intended to provide – the ability to remarry or simply move forward with their lives free of their abusers.

**Brenda Brown Rever**  
*Founding Chair*

**Jeff Rubin**  
*Chair*

**Lauren Shaivitz, Esq., LMSW**  
*Executive Director*

**Nancy F. Aiken, Ph.D.**  
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**Robin Belsky**

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**Shelley Garten**

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**Ellen Plant**

**Liz Ritter**

**Maxine Seidman**

**Rabbi Yechiel Shaffer**

**Steve Stern**

**Sylvia Tulkoff**

**Rebecca Zakheim**

#### **CHANA**

Advocacy and supportive  
services for domestic abuse

#### **The Shofar Coalition**

Prevention and healing services  
for childhood trauma and  
sexual abuse

#### **SAFE: Stop Abuse of Elders**

Education and intervention  
services for older adults



# **Rabbi Boruch Brull\_FAV\_SB536**

Uploaded by: Brull, Rabbi Boruch

Position: FAV

**SB536: Divorce and Annulment - Removal of Barriers to Remarriage**  
**Position: FAVORABLE**

In my position as Executive Director of Ahavas Yisrael Charity Fund, we have encountered several unfortunate cases of agunos in our community. I will profile three of them.

**Case 1 - Debby**

Debby is a Baltimore native who was married in Baltimore, and quickly found out her husband was abusive. They lived in Israel for the first few years of their marriage. Her husband followed and controlled every part of her life. They have 3 children, the oldest of whom is hearing impaired and had behavioral issues. For ten years, Debby tried to make the marriage work, but she finally found the strength to ask for a divorce. Her husband refused to give her a get and Debby escaped with her children, coming back to Baltimore, with the hope that her husband would eventually give her a get. He never gave any financial support to the family, and she was/is struggling to make ends meet. Caring members of the Baltimore community who sympathized with her plight raised \$100,000 to give him, as an incentive to give her a get. However, he adamantly refused, saying, "I won't take any money or give her a get because that would mean she won!" He is presently sitting in jail in Israel for not giving his wife a get - this is the Israeli law. Debby remains an agunah and is being helped by our charity organization.

**Case 2 - Cindy**

Cindy's husband presented as an overly caring and doting husband and Cindy believed she married a great guy. After only a few years, Cindy realized her husband was unfaithful, as well as a dishonest scoundrel. Initially, Cindy was not anxious to get divorced because she couldn't support the family on her own. When her husband's infidelities became too much for her to bear, she asked him for a get. Her husband made conditions for giving her a get. Each time his conditions were met, he changed his mind and added other conditions. This despicable behavior went on for many years, until it seemed like Cindy would never see a get. One day out of the blue, he told her he would give her a get, and before he could change his mind, community activists arranged for the get to be written and given. Cindy's children are now grown and on their own, she has a job, but their lives were terribly affected.

**Case 3 - Eve**

Eve's husband was a successful lawyer who comes from a respected and well-known family. They have three children together. Over the years, his personality changed, both in and out of the home. He was disbarred as a lawyer, was unemployed, and became a tyrant at home. Eve and their children were afraid of his temper and frequent outbursts. Despite marriage and family counseling they received, Eve realized that her husband was no longer the man she married and she wanted out of the marriage badly. Eve took out a restraining order against her husband and he was not allowed to get near her or the children, which infuriated him. Eve asked for a get, but her husband refused to give her one. Despite the many attempts of Rabbis, lay leaders and friends, her husband would not budge. Five years later, he still has not given Eve a get and although she has moved on in life and lives with her children in a condo a few blocks away from him, she cannot get married until she receives a get, and that doesn't seem to be forthcoming any time soon. She would not have managed financially without the support of our charity organization and continues to need assistance.

In all of these cases, the children are the collateral damage and are scarred for life. These women were left financially drained and were and still are assisted by our charity organization.

Rabbi Boruch Brull  
Executive Director  
Ahavas Yisrael Charity Fund

**JCADA\_FAV\_SB536**

Uploaded by: Katz, Amanda

Position: FAV



Senator William C. Smith  
2 East Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

February 18, 2020

Dear Senator Smith and Members of the Judicial Proceedings Committee,

**JCADA supports Senate Bill 536 to ensure that religious barriers to remarriage after divorce are eliminated.**

At JCADA, our mission is to support victims of power-based violence to become empowered and live safely; educate the community about power-based violence and appropriate responses; and prevent future generations from suffering power-based violence. We provide these services without regard to race, national origin, ability, background, faith, gender, gender identity, gender expression, ethnicity, or sexual orientation, and the clients we serve are victims of domestic violence, sexual assault, stalking, harassment, elder abuse and dating violence. Last year, JCADA supported over 580 survivors of power-based violence and educated more than 2,800 youth, parents and educators about healthy relationships through our prevention program *AWARE*.

At JCADA, we provide free legal, counseling, and victim advocacy services to victims and survivors. One issue that comes up is religious barriers to remarriage following divorce. We have often worked with clients whose abuser has refused to grant them a “get,” or Jewish divorce. In fact, our advocates have accompanied clients to the Beit Din, or Jewish courts, to provide holistic advocacy in these settings. Unfortunately, many clients often have to barter in their civil divorce to ensure that they are granted a religious divorce; we’ve seen clients sacrifice property or spousal support they would legally be entitled to, to placate their abuser and ensure they are able to get both civilly and religiously divorced.

JCADA works closely with ORA, the Organization for the Resolution of Agunot (“chained women”). We often refer our clients to ORA when their abusers have refused to grant them a religious divorce. Unfortunately, the granting or refusal of a religious divorce is often one of the last ways that an abuser maintains power and coercive control over their victim. By helping clients receive a religious divorce, they are able to move on from the violence and trauma of an abusive marriage.



[www.jcada.org](http://www.jcada.org) • [jcada@jcada.org](mailto:jcada@jcada.org)

P.O. Box 2266 • Rockville, MD 20847 • Office: 301-315-8040 • Confidential Helpline: 301-315-8041

Thank you for considering this testimony in support of SB 536. If you have any questions, please feel free to contact me at [amanda@jcada.org](mailto:amanda@jcada.org).

Best,

A handwritten signature in blue ink that reads "Amanda Katz". The signature is written in a cursive, flowing style.

Amanda Katz  
Executive Director

# **Nathan Lewin Bio\_FAV\_SB536**

Uploaded by: Lewin, Nathan

Position: FAV



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## NATHAN LEWIN

Nathan Lewin has engaged in trial and appellate litigation in federal courts for more than 55 years. He currently practices law together with his daughter, Alyza D. Lewin, at Lewin & Lewin, LLP. Lewin was a founding partner of Miller, Cassidy, Larroca & Lewin, one of the nation's foremost litigation "boutiques" for more than thirty years. While in government service in the Kennedy and Johnson administrations, he served as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice, and, before that, as Deputy Administrator of the Bureau of Security and Consular Affairs (the rank of Deputy Assistant Secretary of State) in charge of visa, passport and other consular matters at the Department of State. Between 1963 and 1967, Lewin was an Assistant to the Solicitor General in the Department of Justice under Solicitors General Archibald Cox and Thurgood Marshall. During this time he argued, for the United States, twelve cases before the Supreme Court. In private practice he has argued in the Supreme Court another sixteen times, for a total of 28 arguments in the Supreme Court. His Supreme Court cases have included the representation of banks and other commercial interests, as well as criminal cases and issues of constitutional law.

Lewin received a B.A. degree from Yeshiva College, *summa cum laude*, in 1957. His government service began after his graduation, *magna cum laude*, from Harvard Law School in 1960, where he was Treasurer of the *Harvard Law Review*. He was law clerk to Chief Judge J. Edward Lumbard of the United States Court of Appeals for the Second Circuit (1960-61), and then law clerk to Associate Justice John M. Harlan of the Supreme Court of the United States (1961-62).

Lewin has also taught at leading national law schools. In the 1970's he was an Adjunct Professor of Constitutional Law at Georgetown Law School. In 1974-1975 he was Visiting Professor at the Harvard Law School, teaching Advanced Constitutional Law (First Amendment Litigation) and the first formal course ever given in a national law school on the subject of "Defense of White-Collar Crime." He also taught a seminar on Appellate Advocacy. In 1994, Lewin gave a semester-long seminar on "Religious Minorities in Supreme Court Litigation" at the University of Chicago Law School and taught that seminar at Columbia Law School from 1996 to 2018. He also taught a course in Jewish Civil Law at George Washington University Law School for several years. He was a Contributing Editor to *The New Republic*, a weekly magazine of opinion published in Washington, D.C., where he commented on Supreme Court decisions and other legal subjects between 1970 and 1981. His articles on the law and on the Supreme Court have appeared in various newspapers and periodicals.

Lewin was recognized by the DC Legal Times as one of "Washington's Greatest Lawyers of the Past 30 Years" and was ranked Number 2 of Washington's Best Lawyers by the *Washingtonian*. He has been voted one of *America's Best Lawyers* for 30 years, and was included in the 2019 edition of that volume in four distinct practice categories, including Appellate Litigation, Defense of White-Collar Crime, and First Amendment Litigation. He is a member of

the Bar of every Circuit United States Court of Appeals and has argued at least one appeal in each of the Circuits. Lewin's individual clients have included Attorney General Edwin Meese, III, former president Richard Nixon, actress Jodie Foster, musician John Lennon, Israeli Prime Minister Binyamin Netanyahu, nursing home owner Bernard Bergman, Congressman George Hansen, Teamsters president Roy Williams, and Israeli war hero Aviem Sella.

In May 2000 Lewin initiated the first lawsuit under a 1992 federal law giving American citizens who are the victims of terrorism a right to collect damages from those responsible for terrorist acts. On behalf of parents of a 17-year-old killed by Hamas terrorists in Israel, he sued U.S. charities that were providing financial and other support to Hamas. The position taken in his lawsuit was approved by the United States Court of Appeals for the Seventh Circuit in a decision that is now a landmark case on the liability of financiers of terrorism. In December 2001, President Bush directed the seizure of the assets of the Holy Land Foundation, which was the principal defendant in Lewin's lawsuit. A Chicago jury returned a verdict of \$52 million against the defendants in that lawsuit, which was trebled under the federal statute for a total judgment of \$156 million. The defendants declared bankruptcy and claimed that they ceased operations. Lewin & Lewin has filed a lawsuit against the alter egos of the defendants to recover unpaid damages for the plaintiff family.

Lewin has defended the process of kosher slaughter in court and the constitutionality of New Jersey's and New York's kosher enforcement law. He has also defended (against constitutional challenge) and won in a federal court of appeals and in New York's Appellate Division the right of communities in New Jersey and New York to construct an *eruv*. He also won a federal appeal entitling the Young Israel of Bal Harbour, Florida, to conduct services over the opposition of local zoning authorities. In 1980 Lewin was retained as Special Counsel by the Department of Justice Special Investigations Unit to prosecute the case of Valerian Trifa, a leader of the Romanian Iron Guard, a fascist organization which was responsible for the murder of many Jews.

Between 2002 and 2015 Lewin & Lewin litigated *pro bono publico* on behalf of Menachem Zivotofsky, who was born in Jerusalem and claimed the statutory right to have his US passport designate his place of birth as "Israel." The case was argued twice in the Supreme Court of the United States (once by Lewin and once by Alyza Lewin) and three times in the US Court of Appeals by Lewin. After the Supreme Court held that the President had the exclusive constitutional authority to recognize a city as being within the borders of a foreign sovereign, President Trump in December 2017 recognized Jerusalem as the capital of Israel..

Lewin's commercial cases in the Supreme Court include *Barnett Bank of Marion County v. Nelson*, in which the Court agreed with his claim that banks are legally permitted to sell insurance. He also presented the winning argument in *K-Mart Corp. v. Cartier*, where the Court held that trademarked imported goods could lawfully be sold in the United States at discounted prices. His other arguments in the Supreme Court while in private practice involved jeopardy assessments, government custody of seized goods, gun control laws, and various constitutional issues arising under the First, Fifth and Fourteenth Amendments.

Lewin was born on January 31, 1936, in Lodz, Poland. His grandfather was the chief rabbi of Rzeszow and also served as a member of the Polish Legislature ("Sejm"). His father was the youngest member of the Lodz City Council in pre-war Poland and represented Agudath Israel in the United Nations Economic and Social Council. Lewin first arrived in the United States, via Japan, in 1941. Lewin is married to Rikki Gordon (a free-lance photographer), has two daughters, Alyza Doba (an attorney who is his law partner) and Na'ama Batya (a photographer and videographer), and six grandchildren.



# **Nathan Lewin\_FAV\_SB536**

Uploaded by: Lewin, Nathan

Position: FAV

**STATEMENT OF NATHAN LEWIN IN SUPPORT OF  
MARYLAND BILL REGARDING REMOVAL OF BARRIERS TO REMARRIAGE  
IN DIVORCE PROCEEDINGS  
February 18, 2020**

I appear to support Senate Bill 536, introduced by Senator Kagan.

The bill is familiar to me because I personally drafted and actively supported the 1983 enactment of Section 253 of New York's Domestic Relations Law. That law has been effective over the past 37 years, and it has successfully prevented recalcitrant spouses who seek a divorce in a New York court from maintaining barriers to the remarriage of the spouse that they are divorcing. It has, during all that time, successfully withstood challenges to its constitutionality.

This legislation assists Jewish women who were married in a Jewish religious ceremony from being victimized by husbands in a divorce action. Absent such a law a husband may refuse or delay the process of Jewish religious divorce – *i.e.*, a “get” – and make extortionate demands on his wife in the divorce action. The “get” procedure does not require the husband to profess any religious belief or to perform any religious ritual. He need only authorize the writing, by an expert scribe, of a Hebrew document and authorize its transmission to his spouse. Experience has shown that, in some divorce proceedings between couples who have been married according to Jewish religious law, withholding a “get” may be employed by a husband to gain improper advantage in the divorce.

The law of Maryland and of many other jurisdictions in the United States (including New York) recognizes a couple as married following a religious ceremony over which an authorized clergy officiates. Such a ceremony creates a marital relationship recognized by both secular and religious law. Annulment and divorce differ from marriage in that no jurisdiction permits the clergy, on its own, to dissolve the legal marriage status. A court order is required. Both annulment and divorce are designed, however, to sever the parties' marital relationship and to leave each free to remarry. The purpose of a divorce decree would be frustrated if one party to the divorce could prevent the other party from ever remarrying.

The bill prevents such an inequitable result. It requires the parties to a religiously solemnized marriage to swear under penalty of perjury that each has taken all steps in his or her power to remove barriers to the other party's remarriage. The prescribed affidavit (or sworn statement in a complaint for divorce) covers *any* barrier to remarriage, including religious and conscientious barriers, which the affiant can remove by his or her own conduct. The court where the divorce action is pending has no authority to investigate the truth or falsity of the sworn declaration, but a prosecutor may charge a lying affiant with criminal perjury.

The bill has been structured to raise no constitutional church-state issue. It does not “entangle” the court in any religious issue. Nor does it compel the performance of any religious ritual. It is limited to situations in which both parties to a marriage have voluntarily chosen, when they entered into this legal status, to solemnize their marriage with a religious ceremony. It tells the husband and wife that, having made this choice, neither is free to dissolve the legal relationship in a court of law while he or she is failing to perform an act that frees the other party to remarry under the rules both accepted when they married.

The law gives a couple the choice to create their legal marital status by invoking the authority given to clergy to create that status. It is equitable for the law to tell them that they can dissolve that status with a court-ordered divorce *only* if neither retains a power that would, under the ground rules of their marriage, prevent remarriage by the other. This is basic equity and even-handedness. A court should not permit a party to sever the legal ties of marriage if it knows that one party to that marriage continues, by his or her voluntary action or inaction, to prevent the other party from remarrying. A judge seeking equity should inquire, before granting a judgment of divorce, whether both parties will, after the divorce judgment, be free to remarry. So long as the court does not enter into a religious controversy or direct performance of religious ritual, it applies only neutral secular legal principles if it denies a divorce because one party to the marriage is maintaining a barrier to the other’s remarriage.

# **BJC\_FAV\_SB536**

Uploaded by: Mersky Miicke, Sarah

Position: FAV

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## MEMBER ORGANIZATIONS

Adat Chaim Congregation  
American Jewish Committee  
Americans for Peace Now  
Baltimore Chapter  
American Israel Public Affairs Committee  
American Red Magen David for Israel  
American Zionist Movement  
Amit Women  
Association of Reform Zionists of America  
Baltimore Board of Rabbis  
Baltimore Hebrew Congregation  
Baltimore Jewish Green and Just Alliance  
Baltimore Men's ORT  
Baltimore Zionist District  
Beth Am Congregation  
Beth El Congregation  
Beth Israel Congregation  
Beth Shalom Congregation of  
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Beth Tfiloh Congregation  
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B'nai Israel Congregation  
B'nai Jacob Shaarei Zion Congregation  
Bolton Street Synagogue  
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Chevrei Tzedek Congregation  
Chizuk Amuno Congregation  
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Congregation Beth Shalom of  
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Organizations of Maryland  
Hadassah  
Har Sinai Congregation  
J Street  
Jewish Federation of Howard County  
Jewish Labor Committee  
Jewish War Veterans  
Jewish War Veterans, Ladies Auxiliary  
Jewish Women International  
Jews For Judaism  
Moses Montefiore Anshe Emunah  
Hebrew Congregation  
National Council of Jewish Women  
Ner Tamid Congregation  
Rabbinical Council of America  
Religious Zionists of America  
Shaarei Tfiloh Congregation  
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Temple Isaiah  
Temple Oheb Shalom  
Winands Road Synagogue Center  
Zionist Organization of America  
Baltimore District



# 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.*

# **Shira Ram\_FAV\_ SB536**

Uploaded by: Ram, Shira

Position: FAV

Subject: Support for HB0833/SB0536

To: Judiciary Committee

From: Shira Ram

Date: February 18, 2020

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I come from a family of 7 children. I have only one sister. She is the oldest. She was the one who guided me and supported me as a child and a teenager.

When my sister got married, she thought she was marrying the man she would spend the rest of her life with. Actually, we all did; but sadly he had fooled us all.

Shortly after they got married, her husband began to become verbally abusive. As the years went on, the verbal abuse turned into physical abuse.

Once this abuse began, I started to lose grasp of my sister. The once very extroverted and happy individual my family and I knew was not recognizable.

My sister was a very selfless individual. She always went out of her way to help others.

I remember asking myself, "What could she have done wrong to put herself in this situation?" But then I realized she did absolutely nothing wrong. Victims of domestic abuse don't do anything wrong—this is why they are called VICTIMS.

After many, many years of my sister suffering from such abuse, she FINALLY had the courage to walk away when she realized her children were being abused as well.

But sadly, her ex-husband continued to abuse her—even though she was no longer living with him nor civilly married to him. How you wonder is this possible?

My sister is Jewish and in the Jewish religion, in order for her to move on with her life and get remarried, she must be given a "Get" by her husband; He refused to give her a "Get", this inhibited her from moving on with her life. But in the end he resorted to extortion and asked for one million dollars in exchange for a "Get".

It was then that my sister called me and told me what was going on and asked for my help so she could finally be free of the abuse; what she needed was a lot of money. My siblings, parents, and I did whatever we could to get the money together.

Till this day she continues to pay back her monetary debt and it has financially crippled her. The reason I am here today is to tell you why I consider my sister lucky. She is Lucky to be free of her abuser, because for him giving the get was about getting a large sum of money—For most men they want to continue the abuse by permanently controlling their ex-spouse's future. – without giving the get women are left as victims in chains for the rest of their lives.

This is why I am now asking this committee to pass the bill and give other victims their freedom, a happy ending.

Thank you.



**Agudath Israel MD\_FAV\_SB 536**

Uploaded by: SADWIN, RABBI ARIEL

Position: FAV



**Agudath Israel of Maryland**  
**אגודת ישראל במרילנד**  
**PROTECTING  ADVOCATING  SERVING**

SENATE JUDICIAL PROCEEDINGS COMMITTEE

TUESDAY, FEBRUARY 18, 2020

**SENATE BILL 536**

DIVORCE AND ANNULMENT - REMOVAL OF BARRIERS TO REMARRIAGE

TESTIMONY OF RABBI ARIEL SADWIN,  
 EXECUTIVE DIRECTOR, AGUDATH ISRAEL OF MARYLAND

**SUPPORT**

Agudath Israel of Maryland (AIMD), the Mid-Atlantic regional office for Agudath Israel of America – a nearly 100-year-old national Orthodox Jewish advocacy organization with chapters across the country, speaks on behalf of the Orthodox Jewish communities across Maryland.

We issue this testimony in **support** of Senate Bill 536 – Divorce and Annulment – Removal of Barriers to Remarriage. We are grateful to Senator Kagan for sponsoring this bill and for championing its cause, as well as Delegates Attar and Rosenberg for their sponsorship in the House.

A bill of this nature that seeks to “remove the barriers to remarriage” is of particular relevance to the Jewish community. Rabbis and community leaders have endlessly agonized over the tragedy of husbands refusing to give their wives a Jewish religious divorce - known as a Gett - and over the profound suffering such recalcitrance has caused these women who are indefinitely bound to their failed marriage. They have wrestled with the rabbinical court system’s lack of meaningful enforcement power and the elusiveness of finding a remedy within Jewish law that enjoys the consensus of leading rabbinic authorities.

Our focus here is simple – the State has a legitimate role in alleviating the pain of the women in these difficult situations. And, this bill’s approach has been determined by constitutional scholars – including Maryland’s Attorney General – to fall squarely with the parameters of the First Amendment.

Divorce is intended to sever the parties from a marital relationship, leaving each free to remarry. The state’s secular purpose of granting a divorce is plainly ineffective if the spouse seeking or consenting to the divorce were otherwise able to restrain the other from ever remarrying. SB 536 is intended to help prevent such a result. It will ensure that parties to a marriage will not be able to secure a civil divorce under Maryland law unless they have provided an affidavit affirming that they have taken all steps in their power to remove any and all barriers to their spouse’s remarriage, thus enabling both parties to move on with their lives.

It is surely appropriate for the state to concern itself with this issue. Not because government should promote the practice of religion (because it should not), rather it is the state’s ability to withhold the potential of a civil divorce that still bars one spouse’s ability to remarry. Consequently, government should make sure that no party who has come to court seeking the benefits of civil divorce should retain power over the other’s future marital status. The vindictive manipulation we have seen flouts Maryland’s granting of a civil divorce and surely runs contrary to the public policy of our state.

Thank you for considering our view on this issue and we urge your support for SB 536.

**ORA\_FAV\_SB536**

Uploaded by: Starr, Keshet

Position: FAV

February 17, 2020

Favorable Statement by  
Keshet Starr, Executive Director  
of the  
Organization for the Resolution of Agunot (ORA)  
On  
Divorce and Annulment--Removal of Barriers to Remarriage Act  
Senate Bill 536  
To the  
Senate Judicial Proceedings Committee

February 18th, 2020

The Organization for the Resolution of Agunot (ORA) is a not-for-profit organization addressing domestic abuse in the Jewish divorce process, with a particular focus on the issue of the *get*, or Jewish divorce. ORA works to resolve current cases of Jewish divorce denial by working within civil and Jewish law to publicize situations of ongoing *get* refusal and brainstorm strategic solutions to these challenging cases. In addition, ORA operates a helpline to guide callers through the complexities of the Jewish divorce process. Finally, ORA works to educate communities on the abusive nature of *get* refusal and encourages individuals and communities to adopt preventative measures to avoid future instances of Jewish divorce denial.

ORA typically works on approximately 75 cases at any given time. While the particulars of each case vary, our caseload demonstrates the risks of long-term *get* refusal. For instance, ORA is currently assisting a woman, “Tamar,” in obtaining a Jewish divorce from her husband, “Jacob.” Tamar and Jacob separated in 1974 and have lived separately ever since, but Jacob refuses to issue Tamar a *get*. Without obtaining a *get*, Tamar is still considered married under Jewish law and is unable to remarry and move on with her life.

While the length of Tamar’s case is extreme, her situation highlights the fact that *get* refusal is a form of domestic abuse, which is defined as a pattern of coercive control. In situations of *get* refusal, one spouse refuses to relinquish power and control over the other, using the Jewish divorce as a weapon in the process. In many of our cases, the *get* is either withheld long after the civil divorce is concluded or used as leverage in negotiating (or re-negotiating) the terms of the divorce agreement. For instance, a *get* refuser may inform his or her spouse that the price of his or her freedom is giving up all financial claims to the marital home, even if the civil court had ruled otherwise.

The passage of the Removal of Barriers to Remarriage Bill will provide an important tool to help ensure that the *get* is issued at the end of the civil divorce process and not delayed indefinitely or used as a means of extortion. Additionally, the Bill sends an important statement that *get* refusal is unacceptable behavior in our society and that our legal system will not condone such abusive conduct. Furthermore, legislation to prevent *get* refusal does not only assist those in the Jewish community, but also other faith communities as well, increasing the positive impact of the Removal of Barriers to Remarriage Bill. With respect to any Constitutional concerns regarding the separation of church and state, the Attorney General of Maryland has written an opinion that the Bill does not present any Constitutional challenges.

ORA supports the passage of the Removal of Barriers to Remarriage Bill, which will prevent future cases like Tamar's and help ensure that the divorce process is not manipulated into a form of domestic abuse in Jewish and other faith communities. We urge a favorable report, and thank you for holding this hearing today.

# **Devorah Zonenberg\_FAV\_SB536**

Uploaded by: Zonenberg, Devorah

Position: FAV

**Favorable Statement**  
**SB0536/HB833: Divorce and Annulment - Removal of Barriers to Remarriage**  
**Senate Judicial Proceedings Committee**  
**House Judiciary Committee**  
**February 18<sup>th</sup>, 2020**

It is an honor and a privilege to be standing before you. I am truly humbled by this opportunity.

A Holocaust survivor bears a son who becomes an abuser, my Nazi who through tyranny and control tried to strip me of my dignity. The warm, and sunny California became a life that was dark and bleak. When I found out my first son was deaf, I was shocked and confused but knew there was a silver lining that he wouldn't hear the name calling and yelling that I was succumbed to daily. As you see, I was blamed for everything, from a shoe missing at the babysitter to the scribble on the wall, for the formula that didn't last until the end of the month, to the missing sippy cup. When the heat broke in January after my daughter was born, he refused to have it fixed. He would withhold money, refuse marital relations, call me stupid, idiot, and a liar to punish me. At one point he even disconnected the phone and then tapped my cell phone.

It was a nightmare, a living Hell.

"My way or the highway," was his mantra and after leaving twice, I realized that I would have to escape. I packed out a box a week for a month and reshuffled the clothing. On one fateful day in June 2003, I took my luggage, my 3 kids and my faith and fled to Baltimore. I chose life instead of caving in.

Thank G-d we were able to reestablish our lives.

**15 years later, I still do not have my "get." He sat in jail in Israel for six years and refused to accept \$120,00 rather than give the "get." I hope that you will rise up and take action to ensure that no woman is stripped of her dignity.**

About three years ago I met a wonderful man who would like to marry me. But how he can put the ring on my finger when my hands are shackled with these invisible chains!

Do your part to make every woman free.

Thank you.

Devorah Zonenberg

# **MCASA\_FAV\_SB536**

Uploaded by: Jordan, Lisa

Position: FWA





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**Working to end sexual violence in Maryland**

P.O. Box 8782  
Silver Spring, MD 20907  
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Fax: 301-565-3619

For more information contact:  
Lisae C. Jordan, Esquire  
443-995-5544  
[www.mcasa.org](http://www.mcasa.org)

**Testimony Supporting Senate Bill 536 with Amendments**  
**Lisae C. Jordan, Executive Director & Counsel**  
February 18, 2020

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**

# **Women's Law Center of MD\_FAV\_SB536**

Uploaded by: Ruth, Laure

Position: FWA

BILL NO: Senate Bill 594  
TITLE: Child Custody and Visitation - Abuse or Neglect of Child  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 18, 2020  
POSITION: **SUPPORT WITH AMENDMENTS**

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Senate Bill 594 would alter Section 9-101 of the Maryland Family Law Article to require judges to articulate their findings under this Section. The Women's Law Center supports Senate Bill 594 as we find that courts often fail to address safety issues and possibility of re-abuse of a child as they are required to do. Requiring a court to articulate its reasons for its findings is simply making clear that this section of our code applies in every case where child abuse or neglect is alleged.

The Women's Law Center sits on a workgroup constituted under SB 567 by this body in 2019. We have met many times since the summer of 2019, and had numerous presentations on research about domestic violence and child abuse, personal stories, and the workings of our Courts when such is alleged. While SB 594 is not a product of that workgroup, it is largely informed by what we have learned during this past ¾ of a year.

Under current law, Section 9-101, if a court has reasonable grounds to believe that a child has been abused or neglected, the court must decide if abuse is likely to occur if custody or visitation is granted to the party. Theoretically unless the court finds that there is *no likelihood* of further abuse or neglect by the party, it *must* deny child access to that party, except it can order supervised visitation that assures the safety and well-being of the child.

Please note the fiscal note fails to address the proposed language that would comprise the bill. SB 594 merely adds to the current law that the court shall articulate its reasoning. In other words, if the court finds that there is no likelihood that abuse or neglect will occur, it must state the reasons for this finding. In our SB 567 Workgroup, it became clear that courts fails to follow 9-101, and it is our hope that this simple requirement will remind the court of its duty, and will help litigants to understand why a court orders what it does. In our extensive work with self-represented litigants, anything that helps them understand a court's reasoning encourages faith in the judicial system, which is vitally important.

The original version of the bill would have added that the supervision must be by a neutral supervisor who must be physically present. After discussion that this is simply sometimes impracticable in certain cases, or may not be necessary, the sponsor, we understand, is amending this part out. The reality is that even in jurisdictions where there are supervised visitation centers, it is often severely restricted by time and availability, which may not be in the best interests of the child if there are other alternatives, such as caring and responsible grandparents.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 594 with the friendly amendment.

***The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women's Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the Multi-Ethnic Domestic Violence Project.***

# **MDJudiciary\_UNF\_SB536**

Uploaded by: Jones, Tyler

Position: UNF

**MARYLAND JUDICIAL CONFERENCE**  
**GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Mary Ellen Barbera  
Chief Judge

187 Harry S. Truman Parkway  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** Senate Judicial Proceedings Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** Senate Bill 536  
Divorce and Annulment – Removal of Barriers to Remarriage  
**DATE:** February 6, 2020  
(2/18)  
**POSITION:** Oppose

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The Maryland Judiciary opposes Senate Bill 536. This bill applies only to a marriage solemnized by an official of a religious order or body, authorized by the rules and customs of that order or body, to perform a marriage ceremony. It requires any party covered by the bill, who files a complaint for an absolute divorce or annulment, to file an affidavit that they have taken, or will have taken before the entry of judgment, all steps within their control to remove all barriers to remarriage by the other party or stating the other party waived in writing the submission of the prescribed affidavit.

If said request is made, the court may not enter a final judgment of divorce or annulment unless the other party files said prescribed affidavit. In addition, a court may not also enter a final judgment of divorce or annulment if the individual who solemnized the marriage certifies in an affidavit that they solemnized the marriage and a party to the marriage failed to remove a barrier to remarriage of the other party.

This bill also provides that it may not be construed to authorize a court to inquire into or determine any ecclesiastic or religious issue. This is inconsistent with the notion that the court is prohibited from granting a final judgment of divorce or annulment if a party has taken all steps to remove all barriers to remarriage that may be caused by an ecclesiastic or religious affiliation.

In addition, this bill presents constitutional concerns as it involves the court in religious restrictions relating to divorce and remarriage that are not appropriate for the court to consider and over which the court has no control. Courts should not be entangled in religious barriers to remarriage. Courts also should not delay the final determination of marital property, alimony, use and possession, and other matters associated with the final divorce based upon religious or ecclesiastic barriers to remarriage that the court has no authority to resolve.

cc. Hon. Cheryl Kagan  
Judicial Council  
Legislative Committee  
Kelley O'Connor

# **MSBAFamilyLawSection\_UNF\_SB536**

Uploaded by: Renart, Dan

Position: UNF

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**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**

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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](mailto:drenart@rghlawyers.com) or by telephone at 301-383-1525.



## **Spielberger\_FAV\_SB536**

Uploaded by: Spielberger, Joseph

Position: INFO



**Testimony for the Senate Judicial Proceedings Committee  
February 18, 2020**

**SB 536 – Divorce and Annulment – Removal of Barriers to  
Remarriage**

**INFORMATIONAL**

JOSEPH SPIELBERGER  
PUBLIC POLICY COUNSEL

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GENERAL COUNSEL

The ACLU of Maryland supports religious freedom, personal autonomy, and gender equity for all people.

SB 536 seeks to address barriers to remarriage faced by individuals whose spouses refuse to provide the necessary documentation that would release that person from the religious obligations of marriage, and allow them to remarry. Such individuals, particularly women, often therefore become trapped in marriages they no longer want to be in.

In doing so, this bill addresses a grave imbalance of gender equity.

This bill tries to be neutral between religious and secular matters. For example, § 7-104.1(A) defines “barrier to remarriage” as “any restraint or inhibition, secular or religious, affecting remarriage...”

However, under § 7-104.1(B), the bill “applies only to a marriage solemnized by an official of a religious order or body...”

The ACLU of Maryland respectfully urges the Committee to consider removing references to religion throughout the bill, but specifically in § 7-104.1(B), to avoid singling out religious orders from secular orders. Such a change to the bill would lessen any risk of a legal challenge on Constitutional grounds.



JOSEPH SPIELBERGER  
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