

BILL NO: Senate Bill 536  
TITLE: Divorce and Annulment - Removal of Barriers to Remarriage  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 18, 2020  
POSITION: **SUPPORT WITH AMENDMENTS**

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Senate Bill 536 would address an issue for a certain population in Maryland seeking to remarry, while adhering to their faith. The Women's Law Center supports Senate Bill 536 in so far as the Jewish community supports such a bill. We do not have the expertise to opine on the utility of this bill, should it become law, but have an important issue from a procedural perspective.

Senate Bill 536 would require 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.

The purpose of this bill is to assist certain observant Jewish persons seeking to remarry. We recognize that for certain people, Orthodox Jewish women, this is vitally important. However, as written, SB 536 would **require the above affidavit in every single Petition or Complaint for Divorce** in the state of Maryland. This is untenable, and will create much confusion for the vast majority of Marylanders seeking divorce in Maryland's courts. It is another new reason that many litigants fails to follow procedure properly, resulting in delay or dismissal of their case.

The Women's Law Center operates a statewide Family Law Hotline and speaks with literally thousands of Marylanders every year who are proceeding self-represented. People seeking to access the Court system for whatever reason often have trouble with following the required procedural hurdles to initiate and continue a case. Adding this affidavit, addressing an issue that effects a small minority of citizens, in frankly rather obscure language, to every single divorce filing, is overreach. There must be a way to address this without placing this additional procedural burden on every case filed. Perhaps it is as simple as adding a paragraph on the Court supplied Petition for Absolute Divorce and Answer; that would suffice. However, there are no forms for Annulment.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on Senate Bill 546, as long as it is amended appropriately or otherwise addresses this additional procedural hurdle for litigants seeking to divorce.

***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.***