

MARYLAND JUDICIAL CONFERENCE
OFFICE OF GOVERNMENT RELATIONS

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 949
Family Law – Authorization for Minor to Marry
DATE: February 12, 2020
(3/4)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 949. This bill would amend Md. Code. Ann., Family Law Article § 2-301 by prohibiting individuals under 18 from marrying. The bill provides an exception for individuals who are 17 years old and the other party to be married is not more than 4 years older, if the minor obtains an order from the court authorizing the minor to marry. The court upon receiving said petition must 1) appoint a lawyer to represent the minor; 2) set an evidentiary hearing; 3) provide the minor with information on the rights and responsibilities of marrying, referral information for legal aid agencies and information on state and national hotlines for child abuse, domestic violence, and human trafficking. At the hearing the court must conduct an *In Camera* interview with the minor, separate from their parents or guardians and intended spouse. After the hearing, the court may issue an order granting the minor to marry if the court makes written certain specific findings. The court may not grant the petition if the court determines other certain specific findings.

This bill adds a court process to determine whether the marriage can occur. A trial to establish whether a minor can get married, and exploring their intentions makes a difficult premise untenable. This process could easily lead to warring parents taking opposite views, resulting in protracted litigation over whether the child can marry. In addition, it is not clear what standard of proof is required in this bill. Current law states clearly the requirements for marriage of a person under 18 years old.

cc. Hon. Sarah Elfreth
Judicial Council
Legislative Committee
Kelley O'Connor