

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 959
Absolute Divorce – Mutual Consent – Deadline for Ruling
DATE: February 10, 2021
(2/18)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 959. This bill would require a court to rule on an application for absolute divorce on the grounds of mutual consent not more than seven (7) days after the date on which the application is filed.

The bill's seven-day timeframe within which the court must rule on an "application" (the Judiciary assumes this means a petition) for absolute divorce on the grounds of mutual consent does not take into consideration requirements under the Maryland Rules of Procedure, due process requirements, or court scheduling realities. Seven days is an unrealistic timeframe for the court to:

- schedule, send out notices to parties, and hold the hearing (assuming the parties will be available for the hearing);
- rule on any pleading to set aside the settlement agreement filed prior to the divorce hearing; and
- review the settlement agreement and determine that the terms relating to any minor dependent children are in their best interest.

This would also require the court to make a ruling on the petition before the defendant has the time allotted under the Maryland Rules to file an answer.

cc. Hon. Frank Conaway, Jr.
Judicial Council
Legislative Committee
Kelley O'Connor