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Position: FAV

To: Members of The Judicial Proceedings Committee

From: Family Law Section Council (FLSC)

Date: February 6, 2026

Subject: Senate Bill 355:
Family Law – Marriage License Applications – Appearance in Court

Position: **FAVORABLE**

The Maryland State Bar Association (MSBA) FLSC **supports Senate Bill 355.**

This testimony is submitted on behalf of the Family Law Section Council (“FLSC”) of the Maryland State Bar Association (“MSBA”). The FLSC is the formal representative of the Family Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family law and, at the same time, tries to bring together the members of the MSBA who are concerned with family laws and in reforms and improvements in such laws through legislation or otherwise. The FLSC 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 1,100 attorney members.

The FLSC agrees with the public policy initiative behind this legislation: to prevent fraud in the application for marriage licenses. The clerks of court in each county will be better able to ferret out attempted fraud if both parties to the marriage appear to make application. This requirement could also protect very young brides/grooms and those individuals who are victims of human trafficking.

However, the FLSC did have concerns that this new requirement will have unintended consequences of creating a barrier to marriage for couples for which one of them is temporarily unable to appear in court for legitimate reasons, such as hospitalization, travel or deployment. The FLSC has reviewed the Amendments to SB 355 which were finalized on February 2, 2026, and we believe that those amendments address our concerns in a comprehensive manner. Thus, SB 355 creates a positive change in the law to require both individuals to appear, or provide an affidavit as to their identity and conformity with the procedures that ensure that those Marylanders who enter into the legal and solemn contract of marriage are doing so knowingly and voluntarily.



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For the reason(s) stated above, the MSBA FLSC **supports Senate Bill 355 as amended** and urges a favorable committee report.

Should you have any questions, please contact Michelle Smith at 410-280-1700 or msmith@lawannapolis.com.

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SB355MarriageLicenseApp.pdf

Uploaded by: Justin Ready

Position: FAV

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 10, 2026

SB 355 – Family Law – Marriage License Application – Appearance in Court

Chair Smith, Vice Chair Waldstreicher, and members of the Senate Judicial Proceedings Committee;

SB 355 requires *both* parties to appear before the court clerk to apply for a marriage license, as otherwise specified in statute. This bill was brought forward and is supported by the Maryland Circuit Court Clerks' Association, which represents the twenty-four elected Clerks of the Circuit Court in Maryland.

Under current law, only *one* of the parties to be married must appear before a court clerk and give, under oath, specified information that must be placed on the application form by the clerk.

SB 355 includes waivers for deployed military members, incarcerated individuals, hospitalized individuals, and other exemptions for good cause. These waivers were added into the bill's draft after concerns that the bill would set too high of a bar for marriage applicants.

I respectfully ask for a favorable committee report.

Testimony SB0355 Marriage License Applications H.

Uploaded by: Heather DeWees

Position: FWA

SB0355 Family Law - Marriage License Applications - Appearance in Court
Judicial Proceedings – February 10, 2026
Sponsor: Senator Justin Ready
Position: Favorable with Amendments

Testimony of Heather DeWees, Clerk of the Circuit Court, Carroll County

Thank you, Chair Smith, Vice Chair Waldstreicher, and members of the committee, for this opportunity to testify in support of Senate Bill 0355. For the record, my name is Heather S. DeWees, Clerk of the Circuit Court for Carroll County. I am also testifying on behalf of the Maryland Circuit Court Clerks' Association, which represents the twenty-four elected Clerks of the Circuit Court in Maryland.

I support SB 355 because fraudulent marriages can promote identity theft, property theft, and federal and state benefit theft. In my own county, there was recently a case where a woman obtained a marriage license. Then, she forged an officiant's signature. Two days later, she returned to my office where a marriage certificate and certified copies were issued to her. My office then found out that the other party on the marriage license was deceased when the woman applied for the license. My office had no way of knowing because only one party must appear to apply for a marriage license per Maryland statute. The woman was attempting to steal the deceased party's estate, and she is currently under police investigation for fraud.

There have also been allegations of an ongoing marriage fraud operation in a Maryland county involving foreign parties marrying U.S. citizens, which is currently being investigated. I am not at liberty to discuss in detail, except to say that this situation involves a significant number of questionable marriage licenses where only the foreign party is ever seen.

Under the current marriage statute, only one party to a marriage needs to appear in the Clerk's Office to obtain a marriage license. Neighboring states such as West Virginia, New

Jersey, Delaware, Pennsylvania, New York, and Virginia, require that both parties are present and show a government issued ID. A clerk in Maryland may never see the other party to determine if they are being coerced into the marriage, underage, or even aware that a marriage license is being issued in their name.

This bill adds a requirement that both parties to a marriage appear before the Clerk which will bring Maryland up to the same standard as all our surrounding states and most of the East Coast. It will help reduce fraudulent marriage licenses from being issued and fraudulent marriages from taking place. This bill will also thwart potential human traffickers from obtaining marriage licenses in our state for their victims.

I ask for a favorable report on SB 355, with the amendments that have already been submitted by the sponsors, and I would like to thank Senator Ready for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.

Testimony SB 0355 Marriage License Applications Sc

Uploaded by: Scott Poyer

Position: FWA

SB0355 Family Law - Marriage License Applications - Appearance in Court
Judicial Proceedings – February 10, 2026
Sponsor: Senator Justin Ready
Position: Favorable with Amendments

Testimony of Scott Poyer, Clerk of the Circuit Court, Anne Arundel County

Thank you, Chair Smith, Vice Chair Waldstreicher, and members of the committee, for this opportunity to testify in support of Senate Bill 355. For the record, my name is Scott Poyer, Clerk of the Circuit Court for Anne Arundel County. I am also testifying on behalf of the Maryland Circuit Court Clerks' Association, which represents the twenty-four elected Clerks of the Circuit Court in Maryland.

The Clerks of the Circuit Court support SB 355 because the Clerks are responsible for issuing marriage licenses in Maryland, and we need additional tools to fight marriage fraud. As my colleague Clerk DeWees testified, marriage fraud is an ongoing problem in Maryland, which this bill would help address by establishing an additional barrier to anyone who tries to obtain a marriage license without the other party's knowledge or agreement.

One issue we have discussed among the clerks, and with other organizations, is whether the proposed requirement that both parties appear in the clerk's office sets too high a bar for marriage applicants. To address this concern, we have worked with the sponsors on amendments to the bill to allow waivers for deployed military members; incarcerated individuals; hospitalized individuals; and other exemptions for good cause. We believe this will allow for situations where one of the marriage license applicants cannot legitimately appear in the clerk's office, yet still be a significant improvement over the current requirement that only one applicant ever needs to be seen.

The Clerks ask for a favorable report on SB 355, and I would like to thank Senator Ready for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.