

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 631

(Delegate Pendergrass, *et al.*)

Judiciary

Family Law - Change Term "Marriage" to "Civil Marriage"

This bill changes the term “marriage” to the term “civil marriage” and requires that all references in the Maryland Annotated Code be changed from “marriage” to “civil marriage.” Other than altering the term, the definitions and other elements that identify the institution of marriage are unchanged.

Fiscal Summary

State Effect: None. The changes required by the bill could be handled with existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: An equity court has jurisdiction over the annulment of a marriage. Only a marriage between a man and a woman is valid in Maryland. A marriage that is otherwise prohibited is void.

A marriage ceremony may be performed by any official of a religious order that is authorized by the rules and customs of that body to perform a marriage ceremony. A marriage ceremony may also be performed by a judge, any clerk of the circuit court, or any deputy clerk designated by the county administrative judge of the circuit court for the county. Any official authorized to perform a marriage ceremony may do so within six

months after the marriage license becomes effective. A person is prohibited from performing a marriage ceremony unless authorized and an authorized person may not perform a ceremony without a marriage license. A violator of these prohibitions is guilty of a misdemeanor and subject to a maximum fine of \$500.

The county administrative judge must designate when and where the clerk or deputy clerk may perform a marriage ceremony and the form of ceremony to be recited by the clerk or deputy clerk and the parties to be married. However, a religious denomination may perform a marriage ceremony that is in keeping with the rules and customs of the denomination.

Background: Both civil marriage and religious marriage are recognized in the United States. Civil marriage is a legal status established through a license that is issued by a state government. The status grants legal rights and imposes legal obligations on the parties. A religious marriage is a liturgical rite, sacrament, or solemnization of the union of two people which is recognized by a religious group. The hierarchy of a religious organization is not bound by statutory definitions of marriage. The religion establishes its own rules and customs for who may be married and how or when the marriage status is recognized. In the United States, couples may choose to marry in a civil ceremony, religious ceremony, or both. Public officials, including judges and clerks of court, are granted authority by state governments to establish a civil marriage. However, State governments also grant clergy, rabbis, and other religious officials the authority to endorse a marriage license and establish a civil marriage.

In other places in the world, for example in many European countries, religious officials have no authority to establish a civil marriage. A couple that wants a religious ceremony usually arranges for such a ceremony after the civil marriage has taken place. A marriage is considered legal only by the issuance and endorsement of a marriage license by a governmental authority.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), American Academy of Pediatrics, Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2008
mll/hlb

Analysis by: Karen D. Morgan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510