

HOUSE BILL 83

D4

(2lr0334)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by **Delegate Atterbeary**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Family Law – ~~Emancipation of a Minor and Authorization to Marry~~**
3 **~~Authorization for a Minor to Marry~~ *Marriage of Minors***

4 FOR the purpose of authorizing a minor to file a petition for ~~emancipation of a minor and~~
5 authorization to marry in the minor's own name subject to certain requirements;
6 authorizing a married minor to file an action for divorce and sign contracts;
7 extending the jurisdiction of the equity court to include a petition for ~~emancipation~~
8 ~~of a minor and~~ authorization for a minor to marry; altering the conditions under
9 which an individual who is 17 years old is authorized to marry; prohibiting an
10 individual under the age of 17 years from marrying; and generally relating to
11 ~~emancipation and~~ marriage of minors.

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 1–201(b), 2–301, 2–402(b), and 2–405(c)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2021 Supplement)

3 BY adding to
4 Article – Family Law
5 Section ~~5-2A-01~~ through ~~5-2A-05~~ 5-2A-06 to be under the new subtitle “Subtitle
6 2A. Emancipation of a Minor and Authorization to Marry Authorization for a
7 Minor to Marry”
8 Annotated Code of Maryland
9 (2019 Replacement Volume and 2021 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Family Law**

13 1-201.

14 (b) An equity court has jurisdiction over:

15 (1) adoption of a child, except for a child who is under the jurisdiction of
16 any juvenile court and who previously has been adjudicated to be a child in need of
17 assistance;

18 (2) alimony;

19 (3) annulment of a marriage;

20 (4) divorce;

21 (5) custody or guardianship of a child except for a child who is under the
22 jurisdiction of any juvenile court and who previously has been adjudicated to be a child in
23 need of assistance;

24 (6) visitation of a child;

25 (7) legitimation of a child;

26 (8) paternity;

27 (9) support of a child; [and]

28 (10) custody or guardianship of an immigrant child pursuant to a motion for
29 Special Immigrant Juvenile factual findings requesting a determination that the child was
30 abused, neglected, or abandoned before the age of 18 years for purposes of § 101(a)(27)(J)
31 of the federal Immigration and Nationality Act; AND

1 (11) A PETITION FOR ~~EMANCIPATION OF A MINOR AND~~
 2 AUTHORIZATION FOR A MINOR TO MARRY.

3 2-301.

4 (a) An individual [16 or] 17 years old may not marry unless:

5 ~~¶(1) (I) the individual has the consent of a parent or guardian and the~~
 6 ~~parent or guardian swears that the individual is at least 16 years old~~ EACH LIVING
 7 PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE INDIVIDUAL; or

8 ~~(2) (II) if the individual does not have the consent of a parent or~~
 9 ~~guardian~~ REQUIRED UNDER ITEM (I) OF THIS ITEM, either party to be married gives the
 10 clerk a certificate from a licensed physician, licensed physician assistant, or certified nurse
 11 practitioner stating that the physician, physician assistant, or nurse practitioner has
 12 examined the woman to be married and has found that she is pregnant or has given birth
 13 to a child; AND

14 ~~(1) (2) THE INDIVIDUAL PRESENTS A CERTIFIED COPY OF AN~~
 15 ~~ORDER GRANTING EMANCIPATION OF A MINOR AND AUTHORIZATION TO MARRY IN~~
 16 ~~ACCORDANCE WITH THE PROVISIONS OF TITLE 5, SUBTITLE 2A OF THIS ARTICLE TO~~
 17 ~~THE CLERK OF THE CIRCUIT COURT NOT EARLIER THAN 15 DAYS AFTER THE ORDER~~
 18 ~~WAS ISSUED; AND~~

19 ~~(2) THE OTHER PARTY TO BE MARRIED IS NOT MORE THAN 4 YEARS~~
 20 ~~OLDER THAN THE INDIVIDUAL.~~

21 (b) [An individual 15 years old may not marry unless:

22 (1) the individual has the consent of a parent or guardian; and

23 (2) either party to be married gives the clerk a certificate from a licensed
 24 physician, licensed physician assistant, or certified nurse practitioner stating that the
 25 physician, physician assistant, or nurse practitioner has examined the woman to be
 26 married and has found that she is pregnant or has given birth to a child.

27 (c)] An individual under the age of [15] **17** may not marry.

28 2-402.

29 (b) Except as provided in subsection (d) of this section, to apply for a license, 1 of
 30 the parties to be married shall:

31 (1) appear before the clerk and give, under oath, the following information,
 32 which shall be placed on an application form by the clerk:

- 1 (i) the full name of each party;
- 2 (ii) the place of residence of each party;
- 3 (iii) the age of each party;
- 4 (iv) whether the parties are related by blood or marriage and, if so,
5 in which degree of relationship;
- 6 (v) the marital status of each party; and
- 7 (vi) whether either party was married previously, and the date and
8 place of each death or judicial determination that ended any former marriage;
- 9 (2) sign the application form; and
- 10 (3) provide the clerk with:

11 (I) the Social Security number of each party who has a Social
12 Security number; AND

13 (II) A COPY OF AN OFFICIAL GOVERNMENT-ISSUED BIRTH
14 CERTIFICATE OR OTHER OFFICIAL GOVERNMENT-ISSUED DOCUMENT OR RECORD
15 DEMONSTRATING THE AGE OF EACH PARTY.

16 2-405.

17 (e) (1) ~~If either party to be married is known to be of an age where [the~~
18 ~~parental or guardian's consent and oath, or the licensed physician's certificate] A~~
19 ~~CERTIFIED COPY OF AN ORDER GRANTING EMANCIPATION OF A MINOR AND~~
20 ~~AUTHORIZATION FOR A MINOR TO MARRY, required by § 2-301 of this title, is required,~~
21 ~~the clerk shall [obtain the consent and oath or the certificate] REVIEW THE CERTIFIED~~
22 ~~COPY OF THE ORDER before issuing the license.~~

23 (2) ~~[(i)] The clerk's record required under this title shall include[:~~

24 ~~1. the consent and oath required by § 2-301 of this title, if~~
25 ~~written; or~~

26 ~~2. the fact that consent was given and an oath was made, if~~
27 ~~given and made in person.~~

28 (ii) ~~The licensed physician's certificate required by § 2-301 of this~~
29 ~~title may not be made a part of the clerk's record.] A PHOTOCOPY OF THE CERTIFIED~~

~~COPY OF THE ORDER GRANTING EMANCIPATION OF A MINOR AND AUTHORIZATION
FOR A MINOR TO MARRY REQUIRED UNDER § 2-301 OF THIS TITLE.~~

~~[(3) After an individual has been issued a license in accordance with the
provisions of this subtitle, the clerk who issued the license shall seal the licensed
physician's certificate. Except on order of the court, the licensed physician's certificate shall
remain sealed.]~~

(c) (1) *If either party to be married is known to be [of an age where the parental
or guardian's consent and oath, or the licensed physician's certificate, required by § 2-301
of this title, is required,] 17 YEARS OLD, BEFORE ISSUING THE LICENSE, the clerk shall
obtain the REQUIRED consent [and oath] or the LICENSED PHYSICIAN'S certificate AND
THE CERTIFIED COPY OF AN ORDER GRANTING AUTHORIZATION FOR A MINOR TO
MARRY before issuing the license.*

(2) (i) *The clerk's record required under this title shall include:*

1. *A. the consent [and oath] required by § 2-301 of this
title, if written; or*

*[2.] B. the fact that consent was given [and an oath was
made], if given and made in person; AND*

2. *A PHOTOCOPY OF THE CERTIFIED COPY OF THE ORDER
GRANTING AUTHORIZATION FOR A MINOR TO MARRY REQUIRED UNDER § 2-301 OF
THIS TITLE.*

(ii) *The licensed physician's certificate required by § 2-301 of this title
may not be made a part of the clerk's record.*

(3) *After an individual has been issued a license in accordance with the
provisions of this subtitle, the clerk who issued the license shall seal the licensed physician's
certificate. Except on order of the court, the licensed physician's certificate shall remain
sealed.*

~~SUBTITLE 2A. EMANCIPATION OF A MINOR AND AUTHORIZATION TO MARRY~~
AUTHORIZATION FOR A MINOR TO MARRY.

~~5-2A-01.~~

(A) A MINOR WHO IS 17 YEARS OLD MAY FILE A PETITION IN THE MINOR'S
OWN NAME FOR EMANCIPATION OF A MINOR AND AUTHORIZATION TO MARRY IN THE
CIRCUIT COURT FOR THE COUNTY IN WHICH THE MINOR RESIDES.

1 (B) A PETITION FOR ~~EMANCIPATION OF A MINOR AND~~ AUTHORIZATION TO
2 MARRY SHALL CONTAIN THE FOLLOWING:

3 (1) THE PETITIONER'S FULL NAME, GENDER, DATE OF BIRTH, AND
4 ADDRESS, INCLUDING THE LENGTH OF TIME THE PETITIONER HAS RESIDED AT THE
5 ADDRESS;

6 (2) THE INTENDED SPOUSE'S FULL NAME, GENDER, DATE OF BIRTH,
7 AND ADDRESS, INCLUDING THE LENGTH OF TIME THE INTENDED SPOUSE HAS
8 RESIDED AT THE ADDRESS;

9 (3) A STATEMENT EXPLAINING HOW THE PARTIES MET AND HOW
10 LONG THEY HAVE KNOWN EACH OTHER;

11 (4) A COPY OF ANY CRIMINAL RECORDS CONCERNING EITHER PARTY
12 AND A COPY OF ANY PEACE ORDER OR PROTECTIVE ORDER ISSUED AGAINST EITHER
13 PARTY; ~~AND~~

14 (5) EVIDENCE THAT THE MINOR IS MATURE AND CAPABLE OF
15 SELF-SUFFICIENCY AND SELF-SUPPORT INDEPENDENT OF THE MINOR'S PARENTS,
16 GUARDIAN, LEGAL CUSTODIAN, OR INTENDED SPOUSE; AND

17 (6) THE NAME AND LAST KNOWN ADDRESS OF EACH LIVING PARENT,
18 GUARDIAN, OR LEGAL CUSTODIAN OF THE PETITIONER.

19 5-2A-02.

20 ON THE FILING OF A PETITION FOR ~~EMANCIPATION OF A MINOR AND~~
21 AUTHORIZATION TO MARRY, A COURT SHALL:

22 (1) APPOINT A LAWYER WITH FAMILY LAW EXPERIENCE TO
23 REPRESENT THE PETITIONER;

24 (2) SET AN EVIDENTIARY HEARING ON THE PETITION; ~~AND~~

25 (3) PROVIDE THE MINOR WITH THE FOLLOWING:

26 (1) INFORMATION ON THE RIGHTS AND RESPONSIBILITIES OF
27 ~~AN EMANCIPATED MINOR AND;~~

28 1. A MINOR GRANTED AUTHORIZATION TO MARRY
29 UNDER THIS SUBTITLE, INCLUDING THE RIGHT TO DIVORCE AND ENTER INTO
30 CONTRACTS; AND

1 **2.** PARTIES TO A MARRIAGE;

2 **(II)** REFERRAL INFORMATION FOR LEGAL AID AGENCIES; ~~AND~~

3 **(III)** INFORMATION ON STATE AND NATIONAL HOTLINES FOR
4 CHILD ABUSE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND HUMAN TRAFFICKING;
5 AND

6 **(IV)** INFORMATION RELATED TO IMPACTS AND OUTCOMES OF
7 CHILD MARRIAGE IN THE UNITED STATES; AND

8 **(4)** NOTIFY EACH LIVING PARENT, GUARDIAN, OR LEGAL CUSTODIAN
9 WHOM THE COURT IS ABLE TO LOCATE OF THEIR RIGHT TO SUPPORT OR OPPOSE
10 THE PETITION.

11 **5-2A-03.**

12 **(A)** AT THE HEARING, THE COURT SHALL CONDUCT AN IN CAMERA
13 INTERVIEW OF THE PETITIONER SEPARATE FROM THE PETITIONER'S PARENTS ~~OR,~~
14 GUARDIANS, OR LEGAL CUSTODIANS AND INTENDED SPOUSE.

15 **(B)** **(1)** NEITHER THE WISHES OF THE PARENTS ~~OR, LEGAL~~ GUARDIANS,
16 OR LEGAL CUSTODIANS OF THE PETITIONER NOR THE FACT THAT THE PETITIONER
17 OR THE INTENDED SPOUSE OF THE PETITIONER IS PREGNANT IS SUFFICIENT
18 EVIDENCE TO DETERMINE THAT MARRIAGE IS IN THE BEST INTEREST OF THE
19 PETITIONER.

20 **(2)** THERE IS A REBUTTABLE PRESUMPTION THAT ~~EMANCIPATION~~
21 ~~AND MARRIAGE ARE~~ IS NOT IN THE BEST INTERESTS OF THE PETITIONER IF ALL THE
22 PARENTS ~~OR,~~ GUARDIANS, OR LEGAL CUSTODIANS OF THE PETITIONER OPPOSE THE
23 PETITION.

24 **(C)** SUBJECT TO SUBSECTION (E) OF THIS SECTION, AFTER A HEARING, A
25 COURT MAY ISSUE AN ORDER GRANTING ~~EMANCIPATION OF A MINOR AND~~
26 AUTHORIZATION TO MARRY IF THE COURT MAKES WRITTEN FINDINGS THAT:

27 **(1)** THE PETITIONER IS ~~A COUNTY RESIDENT WHO IS~~ AT LEAST 17
28 YEARS OLD;

29 **(2)** ~~THE INTENDED SPOUSE OF THE PETITIONER IS NOT MORE THAN 4~~
30 ~~YEARS OLDER THAN THE PETITIONER;~~

31 **(3)** THE PETITIONER SEEKS TO MARRY VOLUNTARILY AND FREE
32 FROM FORCE, COERCION, AND FRAUD; AND

1 ~~(4)~~ (3) THE PETITIONER IS MATURE AND CAPABLE OF
2 SELF-SUFFICIENCY AND SELF-SUPPORT.

3 (D) A COURT MAY DENY A PETITION FOR THE ~~EMANCIPATION OF A MINOR~~
4 ~~AND~~ AUTHORIZATION TO MARRY IF THE COURT MAKES A WRITTEN FINDING THAT
5 ~~EMANCIPATION AND~~ MARRIAGE ~~ARE~~ IS NOT IN THE BEST INTEREST OF THE
6 PETITIONER.

7 (E) A COURT MAY NOT ISSUE AN ORDER GRANTING ~~EMANCIPATION OF A~~
8 ~~MINOR AND~~ AUTHORIZATION TO MARRY UNDER THIS SECTION IF THE COURT
9 DETERMINES THAT:

10 (1) THE INTENDED SPOUSE OF THE PETITIONER:

11 (I) AT ANY TIME HAS BEEN IN A POSITION OF AUTHORITY OVER
12 THE PETITIONER OR IN A POSITION OF SPECIAL TRUST WITH THE PETITIONER OR
13 HAS HAD A PROFESSIONAL RELATIONSHIP WITH THE PETITIONER; OR

14 (II) HAS BEEN CONVICTED OR ADJUDICATED DELINQUENT FOR:

15 1. ANY CRIME AGAINST A MINOR;

16 2. A CRIME OF VIOLENCE UNDER § 14-101 OF THE
17 CRIMINAL LAW ARTICLE;

18 3. A SEXUAL CRIME UNDER TITLE 3, SUBTITLE 3 OF THE
19 CRIMINAL LAW ARTICLE; OR

20 4. HUMAN TRAFFICKING UNDER TITLE 3, SUBTITLE 11
21 OF THE CRIMINAL LAW ARTICLE;

22 (2) ONE PARTY IS PREGNANT OR HAS A CHILD WITH THE OTHER
23 PARTY THAT EVIDENCES THAT THE PETITIONER WAS THE VICTIM OF A SEXUAL
24 CRIME COMMITTED BY THE INTENDED SPOUSE; OR

25 (3) A PROTECTIVE ORDER OR PEACE ORDER WAS ISSUED AGAINST
26 THE INTENDED SPOUSE OF THE PETITIONER, REGARDLESS OF WHETHER THE
27 PETITIONER WAS THE PERSON TO BE PROTECTED.

28 5-2A-04.

1 ~~(A)~~ ON THE ISSUANCE OF AN ORDER GRANTING ~~EMANCIPATION OF A MINOR~~
 2 ~~AND~~ AUTHORIZATION TO MARRY, THE CLERK OF THE COURT SHALL PROVIDE A
 3 CERTIFIED COPY OF THE ORDER TO THE PETITIONER.

4 ~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,~~
 5 ~~AN ORDER OF EMANCIPATION SHALL HAVE THE SAME EFFECT AS THE PETITIONER~~
 6 ~~REACHING THE AGE OF MAJORITY AND SHALL CONFER ON THE PETITIONER ALL OF~~
 7 ~~THE RIGHTS AND RESPONSIBILITIES OF LEGAL ADULTHOOD.~~

8 ~~(2) AN ORDER OF EMANCIPATION DOES NOT SUPERSEDE AGE~~
 9 ~~REQUIREMENTS FOR:~~

10 ~~(I) VOTING;~~

11 ~~(II) THE PURCHASE, POSSESSION, OR CONSUMPTION OF~~
 12 ~~ALCOHOLIC BEVERAGES;~~

13 ~~(III) THE PURCHASE, POSSESSION, OR CONSUMPTION OF~~
 14 ~~TOBACCO PRODUCTS OR ELECTRONIC CIGARETTES;~~

15 ~~(IV) COMPULSORY SCHOOL ATTENDANCE; OR~~

16 ~~(V) HEALTH AND SAFETY REGULATIONS INCLUDING~~
 17 ~~WORKPLACE REGULATIONS DESIGNED TO PROTECT INDIVIDUALS UNDER THE AGE~~
 18 ~~OF 18 YEARS.~~

19 5-2A-05.

20 ~~A MINOR WHO IS MARRIED MAY FILE AN ACTION FOR DIVORCE UNDER TITLE~~
 21 ~~7 OF THIS ARTICLE AND SIGN AND ENTER INTO CONTRACTS.~~

22 A MINOR WHO IS MARRIED:

23 (1) MAY FILE AN ACTION FOR DIVORCE UNDER TITLE 7 OF THIS
 24 ARTICLE; AND

25 (2) SHALL BE DEEMED EMANCIPATED FOR THE LIMITED PURPOSE OF
 26 OBTAINING A DIVORCE.

27 ~~5-2A-05.~~ 5-2A-06.

28 THE COURT OF APPEALS MAY ADOPT RULES TO IMPLEMENT THE PROVISIONS
 29 OF THIS SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.