
BILL NO: House Bill 369
TITLE: Marriage Records – Name Change
COMMITTEE: Judiciary
HEARING DATE: February 10, 2022
POSITION: **SUPPORT**

House Bill 369 would create specified procedures and requirements for the issuance of a new marriage record when the name of a party to the marriage has been changed. The Women's Law Center of Maryland supports HB 369 as it is an important way to support people in living the lives they chose using the identity they choose.

Under current law, there is no formal process in Maryland law to change an individual's name on a marriage certificate after the fact, even if you have changed your name through the courts. Some individuals have been able to obtain court orders specifically instructing the county clerk to amend the name on the marriage certificate, but there's no established procedure for these actions (they're under the courts' general equity jurisdiction), and many clerks don't know it's an option at all. So, most people going in to the courthouse to ask for a new marriage certificate are told it's impossible to change your name on the marriage certificate. This poses an especially significant problem for transgender people who do not want the public to know of their status. As we know, Marriage certificates are routinely required to be presented in a variety of fora, such as identity documents to prove family relationships for benefits purposes, whether to apply for health insurance through your employer or apply for public benefits through the state. People routinely have to present marriage certificates to people who have some level of power over them, and if their name or the name of their spouse differs from what's on the marriage certificate, it can lead to issues and discrimination.

HB 369 creates a set process for name change on a marriage certificate. There are adequate processes included, and depending on how the name change is being presented, other guardrails to prevent fraud, including potential perjury charges if anything is falsified. Free State Justice has worked closely with clerks of the court to satisfy their concerns and we support this effort to help our transgender citizens especially, so they are not forced to be or inadvertently "outed."

Therefore, the WLC strongly supports HB 369 and urges a favorable report.

The Women's Law Center operates two legal hotlines, and three direct legal services projects: the Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County, the Collateral Legal Assistance for Survivors Project, and the Multi-Ethnic Domestic Violence Project.