

GENERAL ASSEMBLY

HB 3

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By DELEGATE LEE - Judiciary

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No. 3, Pre-filing Series - 1973 Session  
Filed April 10, 1972

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LR3

A BILL ENTITLED

1 AN ACT to add new Section 32 to Article 16 of the  
2 Annotated Code of Maryland (1966 Replacement  
3 Volume), title "Chancery," to follow immediately  
4 after Section 31 thereof and to be under the new  
5 subtitle "Marriage - Contractual Renewal," to  
6 provide that any marriage may be considered a  
7 contract for three years with an option to renew  
8 for three years, renewable for successive periods,  
9 upon mutual consent thereto; to provide for the  
10 event that either one or both of the parties wish  
11 to terminate the contract at any time; and  
12 generally relating thereto.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY  
14 OF MARYLAND, That new Section 32 be and it is hereby  
15 added to Article 16 of the Annotated Code of Maryland  
16 (1966 Replacement Volume), title "Chancery," to follow  
17 immediately after Section 31 thereof and to be under  
18 the new subtitle "Marriage - Contractual Renewal," and  
19 to read as follows:

20 MARRIAGE - CONTRACTUAL RENEWAL  
21 32.

22 (A) THE PROVISIONS OF THIS SECTION ARE IN  
23 ADDITION TO THE PROVISIONS OF LAW OF THIS STATE  
24 RELATING TO DIVORCE AND ANNULMENT AND SHALL BE  
25 CONSTRUED AS INCREASING, BUT NOT LIMITING, THE LAW  
26 PRESENTLY EXISTING IN THIS STATE.

27 (B) ANY MARRIAGE PERFORMED IN THIS STATE FROM AND  
28 AFTER JULY 1, 1973, MAY BE A CONTRACT OF MARRIAGE FOR  
29 THE TERM OF THREE (3) YEARS. THE CONTRACT AT THE END  
30 OF THAT PERIOD OF TIME SHALL BE SUBJECT TO RENEWAL FOR  
31 AN ADDITIONAL THREE (3) YEAR PERIOD UPON THE MUTUAL

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW  
[[Brackets]] indicate matter stricken from existing law

1 AGREEMENT OF BOTH PARTIES THERETO. THE RENEWAL OPTION  
2 SHALL BE AVAILABLE AT THE END OF THE ORIGINAL THREE  
3 (3) YEAR PERIOD AND EACH AND EVERY THREE (3) YEAR  
4 PERIOD THEREAFTER. IF EITHER PARTY TO THE ORIGINAL  
5 MARRIAGE CONTRACT AT THE END OF THE ORIGINAL TERM OR  
6 ANY EXTENSION THEREOF DOES NOT AGREE TO AN ADDITIONAL  
7 THREE (3) YEAR OPTIONAL EXTENSION TO RENEW, AND IF THE  
8 OTHER AGREEABLE PARTY SO REQUESTS, THE CIRCUIT COURT  
9 OF THE COUNTY OR BALTIMORE CITY, AS THE CASE MAY BE,  
10 WHETHER EITHER OF THE PARTIES RESIDES OR WORKS OR  
11 MAINTAINS A PRINCIPAL PLACE OF BUSINESS, HAS  
12 JURISDICTION TO DETERMINE:

13 (1) ALIMONY OR MAINTENANCE, OTHER SUPPORT,  
14 IF ANY, WHETHER PENDENTE LITE OR PERMANENT, PAYABLE BY  
15 THE SPOUSE NOT RENEWING THE MARRIAGE CONTRACT TO THE  
16 PERSON WISHING TO CONTINUE THE MARRIAGE;

17 (2) CHILD SUPPORT, IF ANY, FOR ISSUE BORN AS  
18 A RESULT OF THE INITIAL MARRIAGE CONTRACT OR ANY  
19 RENEWAL THEREOF OR ADOPTED BY THE PARTIES THERETO  
20 DURING THE ORIGINAL TERM OR ANY RENEWAL THEREOF;

21 (3) PROPERTY SETTLEMENT BETWEEN THE PARTIES  
22 TO THE INITIAL MARRIAGE CONTRACT OR ANY RENEWAL  
23 THEREOF;

24 (4) ANY AND ALL OTHER QUESTIONS WHICH WOULD  
25 BE WITHIN THE JURISDICTION OF THE APPROPRIATE COURT  
26 UNDER THE EXISTING DIVORCE AND/OR ANNULMENT LAWS OF  
27 THE STATE; AND

28 (5) ATTORNEY'S FEES OF THE PARTY APPLYING  
29 FOR RELIEF HEREUNDER.

30 (C) THE COURT HAS THE SAME POWERS UNDER THIS  
31 SECTION AS IT WOULD HAVE UNDER THE LAWS OF THIS STATE  
32 CONCERNING DIVORCE AND ANNULMENT IN REGARD TO  
33 ENFORCEMENT OF COURT ORDERS ISSUED UNDER ANY  
34 APPLICATION FOR RELIEF BROUGHT HEREUNDER OR BY RIGHT  
35 UNDER THE DIVORCE AND ANNULEMNT LAWS OF THIS STATE.

36 (D) IF THE PARTIES TO THE CONTRACT, OR EITHER OF  
37 THEM, DO NOT WISH TO CONTINUE THE MARRIAGE FOR THE  
38 ORIGINAL THREE YEAR PERIOD, OR ANY EXTENSION THEREOF,  
39 THE PARTY SEEKING RELIEF OR THE OTHER PARTY TO THE  
40 CONTRACT MAY REQUEST THE CIRCUIT COURT OF THE COUNTY  
41 OR OF BALTIMORE CITY, AS THE CASE MAY BE, TO PROCEED  
42 UNDER THE TERMS OF THE CONTRACT OR UNDER THE EXISTING  
43 LAWS PERTAINING TO DIVORCE.

44 (E) ANY AGREEMENT SIGNED BY THE PARTIES TO THE

1 ORIGINAL MARRIAGE CONTRACT, WITH REGARD TO ALIMONY,  
2 MAINTENANCE AND SUPPORT, PERMANENT OR PENDENTE LITE,  
3 OR ANY OF THEM, AND CHILD SUPPORT, PROPERTY  
4 SETTLEMENT, ATTORNEY FEES, AND OTHER QUESTIONS  
5 PROPERLY BEFORE THE COURT OR WITHIN ITS JURISDICTION,  
6 OR ANY OF THEM, SHALL BE INCORPORATED IN A DECREE OR  
7 ORDER OF THE COURT.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this  
9 Act shall take effect on July 1, 1973.