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2	Councilmember Phil Mendelson
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14	IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 19	Councilmember Phil Mendelson introduced the following resolution which was referred to the
20	Committee on
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22	To amend Title 16 of the District of Columbia Official Code to provide a mechanism for the
23	dissolution of a marriage that was performed in the District of Columbia but the parties to
24	which reside in another jurisdiction that does not recognize the marriage or otherwise will
25	not maintain an action to dissolve the marriage.
26	DE LE ENTACTED DA THE COLDICIL OF THE DICTRICE OF COLLDANIA THAT
27	BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
28	act may be cited as the "Civil Marriage Dissolution Equality Amendment Act of 2011".
29	Sec. 2. Section 16-902 of the District of Columbia Official Code is amended to read as
30	follows:
31	"Section 16-902. Residency Requirements.
32	"(a) Except as provided in subsection (b) of this section, no action for divorce or legal
33	separation shall be maintainable unless one of the parties to the marriage has been a bona fide
34	resident of the District of Columbia for at least six months next preceding the commencement of
35	the action.

1	"(b)(1) An action for divorce by persons of the same gender, even if one of or neither
2	party to the marriage is a bona fide resident of the District of Columbia at the time the action is
3	commenced, shall be maintainable if the following apply:
4	"(A) The marriage was performed in the District of Columbia; and
5	"(B) Neither party to the marriage resides in a jurisdiction that will
6	maintain an action for divorce; provided that it shall be a rebuttable presumption that a
7	jurisdiction will not maintain an action for divorce if the jurisdiction does not recognize the
8	marriage.
9	"(2) Any action for divorce as provided by this subsection shall be adjudicated in
10	accordance with the laws of the District of Columbia.
11	"(c) No action for annulment of a marriage performed outside the District of Columbia
12	or for affirmance of any marriage shall be maintainable unless one of the parties is a bona fide
13	resident of the District of Columbia at the time of the commencement of the action.
14	"(d) The residence of the parties to an action for annulment of a marriage performed in
15	the District of Columbia shall not be considered in determining whether such action shall be
16	maintainable.
17	"(e) If a member of the armed forces of the United States resides in the District of
18	Columbia for a continuous period of six months during his or her period of military service, he or
19	she shall be deemed to reside in the District of Columbia for purposes of this section only.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

- Sec. 4. Effective date.
- This act shall take effect following approval by the Mayor (or in the event of veto by the
- Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
- 4 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
- 5 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
- 6 Columbia Register.