

# HOUSE BILL 749

D4

7lr2722

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By: **Delegates Malone, Atterbeary, Dumais, McComas, and Moon**

Introduced and read first time: February 2, 2017

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Family Law – Divorce – Ownership of a Pet~~  
3 Annulment and Divorce – Property Disposition – Pets

4 FOR the purpose of authorizing a court that grants an annulment or a limited or absolute  
5 divorce to ~~grant a decree regarding ownership of a pet under certain circumstances;~~  
6 ~~prohibiting the court from ordering either party to make any payment for~~  
7 ~~maintenance or other expenses of the pet to the other party under certain~~  
8 ~~circumstances; specifying that the party in possession of the pet has certain rights,~~  
9 ~~responsibilities, and liabilities associated with pet ownership; providing that certain~~  
10 ~~rights and responsibilities transfer with pet possession~~ resolve any dispute between  
11 the parties with respect to the ownership of a pet and grant a decree that states what  
12 the ownership interest of each party is; authorizing the court to transfer ownership  
13 of an interest in a pet; authorizing the court to award to either party access rights to  
14 a pet under certain circumstances; exempting a provision concerning a pet from a  
15 certain limitation on the duration of a certain provision in a certain order or decree;  
16 altering a certain definition; defining the term “pet”; and generally relating to  
17 ~~determining ownership of a pet in an annulment or divorce proceeding~~ property  
18 disposition in annulment and divorce and pets.

19 BY repealing and reenacting, without amendments,  
20 Article – Family Law  
21 Section ~~8–202~~ 8–201(a) and 8–205(a)  
22 Annotated Code of Maryland  
23 (2012 Replacement Volume and 2016 Supplement)

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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.



1 BY repealing and reenacting, with amendments,  
 2 Article – Family Law  
 3 Section ~~8–201(d)~~, ~~8–202~~, and ~~8–210(a)~~  
 4 Annotated Code of Maryland  
 5 (2012 Replacement Volume and 2016 Supplement)

6 BY adding to  
 7 Article – Family Law  
 8 Section ~~8–202.1~~ 8–201(f)  
 9 Annotated Code of Maryland  
 10 (2012 Replacement Volume and 2016 Supplement)

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

13 **Article – Family Law**

14 8–201.

15 (a) In this subtitle the following words have the meanings indicated.

16 (d) (1) “Family use personal property” means tangible personal property:

17 (i) acquired during the marriage;

18 (ii) owned by 1 or both of the parties; and

19 (iii) used primarily for family purposes.

20 (2) “Family use personal property” includes:

21 (i) motor vehicles;

22 (ii) furniture;

23 (iii) furnishings; [and]

24 (iv) household appliances; AND

25 (V) PETS.

26 (3) “Family use personal property” does not include property:

27 (i) acquired by inheritance or gift from a third party; or

28 (ii) excluded by valid agreement.

1           **(F) (1) "PET" MEANS A DOMESTICATED ANIMAL.**

2                   **(2) "PET" DOES NOT INCLUDE LIVESTOCK.**

3 8–202.

4           (a) (1) When the court grants an annulment or a limited or absolute divorce,  
5 the court may resolve any dispute between the parties with respect to the ownership of  
6 personal property.

7                   (2) When the court grants an annulment or an absolute divorce, the court  
8 may resolve any dispute between the parties with respect to the ownership of real property.

9                   (3) Except as provided in § 8–205 of this subtitle, the court may not transfer  
10 the ownership of personal or real property from 1 party to the other.

11           (b) When the court determines the ownership of personal or real property, the  
12 court may:

13                   (1) grant a decree that states what the ownership interest of each party is;  
14 and

15                   (2) as to any property owned by both of the parties, order a partition or a  
16 sale instead of partition and a division of the proceeds.

17           **(C) WHEN THE COURT DETERMINES THE OWNERSHIP OF A PET UNDER THIS**  
18 **SECTION OR TRANSFERS OWNERSHIP OF A PET UNDER § 8–205 OF THIS SUBTITLE,**  
19 **THE COURT MAY AWARD TO EITHER PARTY ACCESS RIGHTS TO THE PET.**

20 ~~8–202.1.~~

21           ~~**(A) (1) IN THIS SECTION, "PET" MEANS A DOMESTICATED ANIMAL.**~~

22                   ~~**(2) "PET" DOES NOT INCLUDE LIVESTOCK.**~~

23           ~~**(B) WHEN THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE**~~  
24 ~~**DIVORCE, IF THERE IS A DISPUTE WITH RESPECT TO THE OWNERSHIP OF A PET, THE**~~  
25 ~~**COURT MAY:**~~

26                   ~~**(1) GRANT A DECREE THAT STATES THAT ONE PARTY IS ENTITLED TO**~~  
27 ~~**SOLE OWNERSHIP OF THE PET;**~~

28                   ~~**(2) GRANT A DECREE THAT STATES THAT ONE PARTY IS ENTITLED TO**~~  
29 ~~**SOLE OWNERSHIP OF THE PET WITH VISITATION RIGHTS GRANTED TO THE OTHER**~~  
30 ~~**PARTY ON A SCHEDULE THAT THE COURT DETERMINES; OR**~~

~~(3) GRANT A DECREE THAT STATES THAT BOTH PARTIES ARE ENTITLED TO OWNERSHIP OF THE PET AND ORDER CUSTODY OF THE PET TO BE SHARED BY BOTH PARTIES ON A SCHEDULE THAT THE COURT DETERMINES.~~

~~(c) IF THE COURT GRANTS A DECREE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION:~~

~~(1) THE COURT MAY NOT ORDER EITHER PARTY TO MAKE ANY PAYMENT FOR MAINTENANCE OR OTHER EXPENSES OF THE PET TO THE OTHER PARTY; AND~~

~~(2) REGARDLESS OF OWNERSHIP OF THE PET, THE PARTY IN POSSESSION OF THE PET HAS ALL OF THE RIGHTS, RESPONSIBILITIES, AND LIABILITIES ASSOCIATED WITH PET OWNERSHIP DURING THE TIME THE PARTY IS IN POSSESSION OF THE PET.~~

8-205.

(a) (1) Subject to the provisions of subsection (b) of this section, after the court determines which property is marital property, and the value of the marital property, the court may transfer ownership of an interest in property described in paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of the equities and rights of the parties concerning marital property, whether or not alimony is awarded.

(2) The court may transfer ownership of an interest in:

(i) a pension, retirement, profit sharing, or deferred compensation plan, from one party to either or both parties;

(ii) subject to the consent of any lienholders, family use personal property, from one or both parties to either or both parties; and

(iii) subject to the terms of any lien, real property jointly owned by the parties and used as the principal residence of the parties when they lived together, by:

1. ordering the transfer of ownership of the real property or any interest of one of the parties in the real property to the other party if the party to whom the real property is transferred obtains the release of the other party from any lien against the real property;

2. authorizing one party to purchase the interest of the other party in the real property, in accordance with the terms and conditions ordered by the court;  
or

3. both.

1 8-210.

2 (a) (1) In any order or decree, or any modification of an order or decree, a  
3 provision that concerns the family home or, EXCEPT AS PROVIDED IN PARAGRAPH (3)  
4 OF THIS SUBSECTION, family use personal property shall terminate no later than 3 years  
5 after the date on which the court grants an annulment or a limited or absolute divorce.

6 (2) The 3-year limitation set out in paragraph (1) of this subsection applies  
7 to a limited divorce notwithstanding the subsequent granting of an absolute divorce.

8 (3) THE 3-YEAR LIMITATION SPECIFIED IN PARAGRAPH (1) OF THIS  
9 SUBSECTION DOES NOT APPLY TO A PROVISION THAT CONCERNS PETS.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.