

Department of Legislative Services

Maryland General Assembly

2017 Session

FISCAL AND POLICY NOTE

Third Reader - Revised

(Delegate Malone, *et al.*)

House Bill 749

Judiciary

Judicial Proceedings

Annulment and Divorce - Property Disposition - Pets

This bill alters the definition of “family use personal property” to include “pets,” thereby authorizing a court, when granting an annulment or a limited or absolute divorce, to resolve any dispute between the parties with respect to the ownership of a pet. The bill also specifically authorizes a court, when determining or transferring ownership of a pet, to award either party access rights to the pet. The bill specifies that the three-year limitation on the duration of a provision within an order or decree regarding family use personal property does not apply to a provision concerning pets. “Pet” is defined as a domesticated animal and does not include livestock.

Fiscal Summary

State Effect: The Judiciary can use existing resources to modify any necessary forms. The bill does not materially impact the workload of the Judiciary.

Local Effect: The bill does not materially impact the workload of the circuit courts.

Small Business Effect: None.

Analysis

Current Law: When a court grants an annulment or a limited or absolute divorce, the court may resolve any dispute between the parties with respect to the ownership of personal or real property. When a court determines ownership of personal or real property, the court may (1) grant a decree that states what the ownership interest of each party is and (2) order a partition and a sale instead of a partition and a division of the proceeds. Generally, a

court may not transfer ownership of personal or real property from one party to the other. However, the court may transfer an interest in “family use personal property” from one or both parties to either or both parties. “Family use personal property” is tangible personal property (1) acquired during the marriage; (2) owned by one or both of the parties; and (3) used primarily for family purposes. Family use personal property includes motor vehicles, furniture, furnishings, and household appliances. It does not include property acquired by inheritance or gift from a third party or property excluded by valid agreement.

In any order or decree, or any modification of an order or decree, a provision that concerns the family home or family use personal property must terminate no later than three years after the date on which the court grants an annulment or a limited or absolute divorce.

Additional Information

Prior Introductions: HB 770 of 2011, a similar bill, received an unfavorable report from the House Judiciary Committee. Its cross file, SB 814, was referred to the Senate Judicial Proceedings Committee, but subsequently withdrawn.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2017
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