

HOUSE BILL 770

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CF SB 814

By: **Delegates Kramer, Barkley, Reznik, Simmons, Valderrama, and Wilson**
Introduced and read first time: February 10, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Divorce – Ownership of a Pet**

3 FOR the purpose of authorizing a court that grants an annulment or a limited or
4 absolute divorce to grant a decree regarding ownership of a pet under certain
5 circumstances; prohibiting the court from ordering either party to make any
6 payment for maintenance or other expenses of the pet to the other party under
7 certain circumstances; defining the term “pet”; and generally relating to
8 determining ownership of a pet in an annulment or divorce proceeding.

9 BY repealing and reenacting, without amendments,
10 Article – Family Law
11 Section 8–202
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2010 Supplement)

14 BY adding to
15 Article – Family Law
16 Section 8–202.1
17 Annotated Code of Maryland
18 (2006 Replacement Volume and 2010 Supplement)

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

21 **Article – Family Law**

22 8–202.

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

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



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

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

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

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

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

12 **8–202.1.**

13 **(A) (1) IN THIS SECTION, “PET” MEANS A DOMESTICATED ANIMAL.**

14 **(2) “PET” DOES NOT INCLUDE LIVESTOCK.**

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

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

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

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

26 **(C) IF THE COURT GRANTS A DECREE IN ACCORDANCE WITH**
27 **SUBSECTION (B) OF THIS SECTION, THE COURT MAY NOT ORDER EITHER PARTY**
28 **TO MAKE ANY PAYMENT FOR MAINTENANCE OR OTHER EXPENSES OF THE PET**
29 **TO THE OTHER PARTY.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2011.