

HOUSE BILL 749

D4

7lr2722

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

Introduced and read first time: February 2, 2017

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 absolute
4 divorce to grant a decree regarding ownership of a pet under certain circumstances;
5 prohibiting the court from ordering either party to make any payment for
6 maintenance or other expenses of the pet to the other party under certain
7 circumstances; specifying that the party in possession of the pet has certain rights,
8 responsibilities, and liabilities associated with pet ownership; providing that certain
9 rights and responsibilities transfer with pet possession; defining the term “pet”; and
10 generally relating to determining ownership of a pet in an annulment or divorce
11 proceeding.

12 BY repealing and reenacting, without amendments,
13 Article – Family Law
14 Section 8–202
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2016 Supplement)

17 BY adding to
18 Article – Family Law
19 Section 8–202.1
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2016 Supplement)

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

24 **Article – Family Law**

25 8–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

14 **8–202.1.**

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

16 (2) “PET” DOES NOT INCLUDE LIVESTOCK.

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

20 (1) GRANT A DECREE THAT STATES THAT ONE PARTY IS ENTITLED TO
21 SOLE OWNERSHIP OF THE PET;

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

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

28 (C) IF THE COURT GRANTS A DECREE IN ACCORDANCE WITH SUBSECTION
29 (B) OF THIS SECTION:

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

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

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