

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE

Senate Bill 262

(Senator Grosfeld, *et al.*)

Judicial Proceedings

Family Law - Property Disposition in Annulment and Divorce - Family Home

This bill provides that in a divorce or annulment proceeding, a court may transfer ownership in an interest in the family home from one or both parties to either or both parties, subject to the consent of any lienholders.

The bill has prospective application.

Fiscal Summary

State Effect: The bill's requirements could be met with existing resources. No effect on revenues.

Local Effect: The bill's requirements could be met with existing resources. No effect on revenues.

Small Business Effect: Potential minimal. Litigants may have to pay attorneys and real estate professionals to facilitate real estate transactions that may be ordered by the court.

Analysis

Current Law: In an action for annulment or divorce, after the court determines which property is marital property and the value of that property, the court may transfer an ownership interest in the marital property and/or grant a monetary award. The transfer or grant is an adjustment of the equity of the parties regarding the marital property, regardless of an alimony award.

The court is authorized to transfer an ownership of interest in a pension, retirement, profit sharing, or deferred compensation plan from one party to either or both parties. Subject to consent of any lienholders, the court is also authorized to transfer an ownership interest in family use personal property from one or both parties to either or both parties.

Background: The Administrative Office of the Courts (AOC) advises that the circuit courts filed or reopened 37,859 divorce/annulment cases in fiscal 2004. AOC does not maintain statistics on the number of cases that involve property disputes.

State and Local Fiscal Effect: Divorce or annulment cases involving property disputes are heard by the circuit courts. The courts already take testimony regarding the value of the family home. Because this bill would allow the court to dispose of an ownership interest in the family home based on testimony already taken, it is expected that the bill's requirements could be met with existing resources.

Additional Information

Prior Introductions: None.

Cross File: HB 329 (Delegate Dumais, *et al.*) – Judiciary.

Information Source(s): Judiciary (Administrative Office of the Courts), The Women's Law Center, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2005
ncs/jr

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