
By: **Delegate Kelley**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Divorce - Distribution of Marital Property - Equal Shares**

3 FOR the purpose of requiring a court to divide certain marital property equally
4 between parties in a proceeding for divorce; repealing certain provisions
5 concerning the transfer of ownership of an interest in certain property and the
6 granting of a monetary award; and generally relating to the distribution of
7 marital property in divorce.

8 BY repealing
9 Article - Family Law
10 Section 8-205
11 Annotated Code of Maryland
12 (2004 Replacement Volume and 2005 Supplement)

13 BY adding to
14 Article - Family Law
15 Section 8-205
16 Annotated Code of Maryland
17 (2004 Replacement Volume and 2005 Supplement)

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

20 **Article - Family Law**

21 [8-205.

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

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

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

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

5 (b) The court shall determine the amount and the method of payment of a
6 monetary award, or the terms of the transfer of the interest in property described in
7 subsection (a)(2) of this section, or both, after considering each of the following
8 factors:

9 (1) the contributions, monetary and nonmonetary, of each party to the
10 well-being of the family;

11 (2) the value of all property interests of each party;

12 (3) the economic circumstances of each party at the time the award is to
13 be made;

14 (4) the circumstances that contributed to the estrangement of the
15 parties;

16 (5) the duration of the marriage;

17 (6) the age of each party;

18 (7) the physical and mental condition of each party;

19 (8) how and when specific marital property or interest in property
20 described in subsection (a)(2) of this section, was acquired, including the effort
21 expended by each party in accumulating the marital property or the interest in
22 property described in subsection (a)(2) of this section, or both;

23 (9) the contribution by either party of property described in § 8-201(e)(3)
24 of this subtitle to the acquisition of real property held by the parties as tenants by the
25 entirety;

26 (10) any award of alimony and any award or other provision that the court
27 has made with respect to family use personal property or the family home; and

28 (11) any other factor that the court considers necessary or appropriate to
29 consider in order to arrive at a fair and equitable monetary award or transfer of an
30 interest in property described in subsection (a)(2) of this section, or both.

31 (c) The court may reduce to a judgment any monetary award made under this
32 section, to the extent that any part of the award is due and owing.]

33 8-205.

34 THE COURT SHALL DIVIDE THE MARITAL PROPERTY EQUALLY BETWEEN THE
35 PARTIES.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.