

# HOUSE BILL 1359

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By: **Delegate Frank**

Introduced and read first time: February 18, 2010

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Marital Property – Military Pensions**

3 FOR the purpose of requiring a court that transfers ownership of an interest in a  
4 military pension in a proceeding for annulment or absolute divorce to order that  
5 certain direct payments to a former spouse shall terminate on the remarriage of  
6 the former spouse; and generally relating to marital property awards in  
7 annulment and absolute divorce and military pensions.

8 BY repealing and reenacting, with amendments,  
9 Article – Family Law  
10 Section 8–203(b) and 8–205  
11 Annotated Code of Maryland  
12 (2006 Replacement Volume and 2009 Supplement)

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

15 **Article – Family Law**

16 8–203.

17 (b) **[In] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, IN** this  
18 subtitle, a military pension shall be considered in the same manner as any other  
19 pension or retirement benefit.

20 8–205.

21 (a) (1) Subject to the provisions of subsection (b) of this section, after the  
22 court determines which property is marital property, and the value of the marital  
23 property, the court may transfer ownership of an interest in property described in  
24 paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the equities and rights of the parties concerning marital property, whether or not  
2 alimony is awarded.

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

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

6 (ii) subject to the consent of any lienholders, family use personal  
7 property, from one or both parties to either or both parties; and

8 (iii) subject to the terms of any lien, real property jointly owned  
9 by the parties and used as the principal residence of the parties when they lived  
10 together, by:

11 1. ordering the transfer of ownership of the real property  
12 or any interest of one of the parties in the real property to the other party if the party  
13 to whom the real property is transferred obtains the release of the other party from  
14 any lien against the real property;

15 2. authorizing one party to purchase the interest of the  
16 other party in the real property, in accordance with the terms and conditions ordered  
17 by the court; or

18 3. both.

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

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

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

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

27 (4) the circumstances that contributed to the estrangement of the  
28 parties;

29 (5) the duration of the marriage;

30 (6) the age of each party;

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

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

5           (9)    the contribution by either party of property described in §  
6 8–201(e)(3) of this subtitle to the acquisition of real property held by the parties as  
7 tenants by the entirety;

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

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

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

15          **(D)    IF THE COURT TRANSFERS OWNERSHIP OF AN INTEREST IN A**  
16 **MILITARY PENSION UNDER THIS SECTION, THE COURT SHALL ORDER THAT ANY**  
17 **DIRECT PAYMENTS TO A FORMER SPOUSE UNDER THE FEDERAL UNIFORMED**  
18 **SERVICES FORMER SPOUSES’ PROTECTION ACT, 10 U.S.C. § 1408, SHALL**  
19 **TERMINATE ON THE REMARRIAGE OF THE FORMER SPOUSE.**

20          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2010.