

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Divorce (Part 6): Use and Possession

Hello. Welcome to the Maryland Courts video series on divorce. In this nine-part series, you'll learn about the process used by the court to end a marriage.

This video covers the court process used to decide which spouse will be able to use certain properties after a divorce is granted. The legal term is "use and possession." We'll discuss the family home, and who may live there and who may make the mortgage payments. We'll also go over other family belongings, called "family use personal property." Finally, you'll learn when some of these provisions may end.

You will be learning a lot of new material, so consider using the Tip Sheet and taking notes. Let's get started with a discussion of use and possession of the family home.

CHAPTER HEADING FULL SCREEN TEXT: USE AND POSSESSION OF THE FAMILY HOME

In a divorce case, the court may order exclusive use and possession of the family home to you or your spouse. That means one spouse may live in the family home with any minor children. The purpose is to help spouses get back on their feet and to allow children to remain in a familiar setting during a time of transition. The court may also order the other spouse to pay the mortgage or other expenses.

The court may also grant use and possession of family use personal property to one spouse.

CHAPTER HEADING FULL SCREEN TEXT: FAMILY USE PERSONAL PROPERTY

Family use personal property includes automobiles, furniture, appliances and other types of property used for family purposes. The property can be owned by you or your spouse, or may be jointly owned. Also, remember that the court cannot grant use and possession of any property that you or your spouse acquired before marriage, or by gift or inheritance.

Use and possession orders usually end after a certain time period.

CHAPTER HEADING FULL SCREEN TEXT: TERMINATION

The court may award use and possession of the family home or family use personal property before the final divorce is granted and for up to three years from the time of divorce. The award may also terminate when the spouse awarded use and possession remarries.

CHAPTER HEADING FULL SCREEN TEXT: SUMMARY

Remember, "use and possession" refers to which spouse will be able to use certain properties after a divorce is granted. The court may award use and possession of the family home or of family use personal property, such as cars and appliances. Finally, your divorce decree or judgment will include an end date for the award.

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Thanks for watching. On behalf of the Maryland Courts, we hope this information about use and possession of the family home and family use personal property has been helpful.

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