

# Divorce 6: Use and Possession

On October 1, 2023, Maryland law on divorce changed. This tip sheet discusses the court process used to decide which spouse will be able to use certain property after a divorce is granted. The legal term is “use and possession.” Maryland law on use and possession did not change October 1, 2023. This tip sheet is up to date with the law.

## Use and Possession of the Family Home

- 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.

## 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.
- The court cannot grant use and possession of any property that you or your spouse acquired before marriage, or by gift or inheritance.

## 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.



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