

given notice that the party objects to a distribution of retirement benefits on an "if, as, and when" basis; requiring an objecting party to give a certain notice ~~in the party's original pleading; authorizing the court to order an objecting party to pay certain costs before a certain time period unless good cause is shown;~~ and generally relating to property disposition in annulment and divorce proceedings.

BY repealing and reenacting, with amendments,

Article - Family Law

Section 8-204

Annotated Code of Maryland

(1991 Replacement Volume and 1993 Supplement)

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

Article - Family Law

8-204.

(A) ~~[The]~~ EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE court shall determine the value of all marital property.

(B) (1) THE COURT NEED NOT DETERMINE THE VALUE OF A PENSION, RETIREMENT, PROFIT SHARING, OR DEFERRED COMPENSATION PLAN, UNLESS A PARTY HAS GIVEN NOTICE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION THAT THE PARTY OBJECTS TO A DISTRIBUTION OF RETIREMENT BENEFITS ON AN "IF, AS, AND WHEN" BASIS.

(2) IF A PARTY OBJECTS TO THE DISTRIBUTION OF RETIREMENT BENEFITS ON AN "IF, AS, AND WHEN" BASIS AND INTENDS TO PRESENT EVIDENCE OF THE VALUE OF THE BENEFITS, THE PARTY SHALL GIVE WRITTEN NOTICE AT LEAST 60 DAYS BEFORE THE DATE THE JOINT STATEMENT OF THE PARTIES CONCERNING MARITAL AND NONMARITAL PROPERTY IS REQUIRED TO BE FILED UNDER THE MARYLAND RULES. IF NOTICE IS NOT GIVEN IN ACCORDANCE WITH THIS PARAGRAPH, ANY OBJECTION TO A DISTRIBUTION ON AN "IF, AS, AND WHEN" BASIS SHALL BE DEEMED TO BE WAIVED UNLESS GOOD CAUSE IS SHOWN.

~~(3) THE COURT MAY ORDER THE OBJECTING PARTY TO PAY THE OTHER PARTY'S COSTS OF PRESENTING EVIDENCE AS TO THE VALUE OF A PENSION, RETIREMENT, PROFIT SHARING, OR DEFERRED COMPENSATION PLAN, INCLUDING REASONABLE COUNSEL FEES AND EXPERT FEES.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994.

Approved May 26, 1994.