

SENATE BILL 79

D4, D3

(PRE-FILED)

7lr1019
CF HB 15

By: **Senators Reilly and DeGrange**

Requested: October 31, 2016

Introduced and read first time: January 11, 2017

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Destitute Adults – Extraordinary Medical Expenses for**
3 **Developmental Disabilities and Civil Action**

4 FOR the purpose of adding the extraordinary medical expenses of a destitute adult child
5 with a developmental disability to the support required from the destitute adult
6 child's parent if the parent has or is able to earn sufficient means to provide the
7 support; providing that a court may divide support for the extraordinary medical
8 expenses of a destitute adult child with a developmental disability between the
9 destitute adult child's parents in proportion to the parents' income; authorizing a
10 destitute parent or destitute adult child to bring a civil action for support instead of
11 filing a certain complaint with the State's Attorney; providing that an order of
12 support resulting from a civil proceeding under this Act does not preclude criminal
13 prosecution or conviction for failing to support a destitute parent or destitute adult
14 child; making certain stylistic changes; defining certain terms; and generally
15 relating to support of a destitute parent or destitute adult child.

16 BY repealing and reenacting, with amendments,
17 Article – Family Law
18 Section 13–101 through 13–103 and 13–107
19 Annotated Code of Maryland
20 (2012 Replacement Volume and 2016 Supplement)

21 BY adding to
22 Article – Family Law
23 Section 13–110
24 Annotated Code of Maryland
25 (2012 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, without amendments,
27 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 7–101(f)
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

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

Article – Family Law

13–101.

(a) In this title the following words have the meanings indicated.

(b) “Destitute adult child” means an adult child who:

(1) has no means of subsistence; and

(2) cannot be self-supporting, due to mental or physical [infirmity]
DISABILITY.

(c) “Destitute parent” means a parent who:

(1) has no means of subsistence; and

(2) cannot be self-supporting, due to old age or mental or physical
[infirmity] **DISABILITY.**

**(D) “DEVELOPMENTAL DISABILITY” HAS THE MEANING STATED IN § 7–101
OF THE HEALTH – GENERAL ARTICLE.**

**(E) (1) “EXTRAORDINARY MEDICAL EXPENSES” MEANS UNINSURED
EXPENSES FOR A SINGLE ILLNESS OR CONDITION.**

**(2) “EXTRAORDINARY MEDICAL EXPENSES” INCLUDES UNINSURED,
REASONABLE COSTS FOR THERAPY OR TREATMENT OF A CHRONIC PHYSICAL,
INTELLECTUAL, EMOTIONAL, OR COGNITIVE IMPAIRMENT, INCLUDING RESPITE
CARE, PERSONAL CARE SUPPORT STAFF, THERAPEUTIC AND RECREATIONAL
SERVICES, ASSISTIVE TECHNOLOGY, AND BEHAVIORAL INTERVENTION SERVICES.**

13–102.

(a) If a destitute parent is in this State and has an adult child who has or is able
to earn sufficient means, the adult child may not neglect or refuse to provide the destitute
parent with food, shelter, care, and clothing.

1 (b) **(1)** If a destitute adult child is in this State and has a parent who has or is
2 able to earn sufficient means, the parent may not neglect or refuse to provide the destitute
3 adult child with food, shelter, care, and clothing.

4 **(2)** **IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS**
5 **SUBSECTION, IF A DESTITUTE ADULT CHILD HAS A DEVELOPMENTAL DISABILITY,**
6 **THE PARENT MAY NOT NEGLECT OR REFUSE TO PROVIDE FOR THE EXTRAORDINARY**
7 **MEDICAL EXPENSES OF THE DESTITUTE ADULT CHILD.**

8 (c) A person who violates any provision of this section is guilty of a misdemeanor
9 and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding
10 1 year, or both.

11 13–103.

12 (a) A complaint under this section shall be made under oath in writing to [a] **THE**
13 State’s Attorney.

14 (b) An individual may make a complaint that states that:

15 (1) the individual is a destitute parent;

16 (2) an adult child of the destitute parent has or is able to earn means
17 sufficient to provide the destitute parent with necessary food, shelter, care, and clothing;
18 and

19 (3) the adult child has neglected or refused to provide the destitute parent
20 with necessary food, shelter, care, and clothing.

21 (c) An individual may make a complaint that states that:

22 (1) the individual is a destitute adult child;

23 (2) a parent of the destitute adult child has or is able to earn means
24 sufficient to provide the destitute adult child with necessary food, shelter, care, [and]
25 clothing, **AND, IF THE INDIVIDUAL IS A DESTITUTE ADULT CHILD WITH A**
26 **DEVELOPMENTAL DISABILITY, EXTRAORDINARY MEDICAL EXPENSES;** and

27 (3) the parent has neglected or refused to provide the destitute adult child
28 with necessary food, shelter, care, [and] clothing, **AND, IF THE INDIVIDUAL IS A**
29 **DESTITUTE ADULT CHILD WITH A DEVELOPMENTAL DISABILITY, EXTRAORDINARY**
30 **MEDICAL EXPENSES.**

31 13–107.

(a) With the written consent of the accused individual before charging or trial, or on conviction of the individual under this subtitle, the court shall order the individual:

(1) to pay support:

(i) to the individual's destitute parent or destitute adult child; or

(ii) if the destitute parent or destitute adult child is a public charge to the agency that is authorized by law to receive these payments; and

(2) to give a bond with securities to this State, conditioned on compliance with the court's order and any modification of the order.

(b) (1) In determining the amount of support, the court shall consider the financial circumstances of the individual.

(2) IN DETERMINING THE AMOUNT OF SUPPORT FOR THE EXTRAORDINARY MEDICAL EXPENSES OF A DESTITUTE ADULT CHILD WITH A DEVELOPMENTAL DISABILITY, THE SUPPORT OBLIGATION MAY BE DIVIDED BETWEEN PARENTS IN PROPORTION TO THEIR INCOMES.

(c) The individual shall pay the support until the destitute parent or destitute adult child has other means of adequate support or dies.

(d) The court may modify the order.

13-110.

(A) INSTEAD OF FILING A COMPLAINT WITH THE STATE'S ATTORNEY AS PROVIDED UNDER § 13-103 OF THIS TITLE, A DESTITUTE PARENT OR DESTITUTE ADULT CHILD, OR THE GUARDIAN OF A DESTITUTE PARENT OR DESTITUTE ADULT CHILD, MAY BRING A CIVIL ACTION FOR SUPPORT IN A COURT OF COMPETENT JURISDICTION.

(B) AN ORDER OF SUPPORT RESULTING FROM A CIVIL ACTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT PRECLUDE PROSECUTION OR CONVICTION OF AN INDIVIDUAL FOR FAILURE TO PROVIDE SUPPORT UNDER THIS TITLE.

Article – Health – General

7-101.

(f) "Developmental disability" means a severe chronic disability of an individual that:

1 (1) Is attributable to a physical or mental impairment, other than the sole
2 diagnosis of mental illness, or to a combination of mental and physical impairments;

3 (2) Is manifested before the individual attains the age of 22;

4 (3) Is likely to continue indefinitely;

5 (4) Results in an inability to live independently without external support
6 or continuing and regular assistance; and

7 (5) Reflects the need for a combination and sequence of special,
8 interdisciplinary, or generic care, treatment, or other services that are individually planned
9 and coordinated for the individual.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2017.