

HOUSE BILL 816

D4

1lr2350

By: **Delegate Shoemaker**

Introduced and read first time: January 29, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Support of Destitute Adult Children – Repeal**

3 FOR the purpose of repealing a requirement that a parent provide certain support to the
4 parent’s destitute adult child under certain circumstances; repealing related
5 provisions of law regarding penalties and certain complaint, pretrial, and trial
6 procedures; and generally relating to the support of destitute adult children.

7 BY repealing

8 Article – Family Law

9 Section 13–101 through 13–109 and the title “Title 13. Support of Parents and Adult
10 Children”

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2020 Supplement)

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

15 **Article – Family Law**

16 [Title 13. Support of Parents and Adult Children.]

17 [13–101.

18 In this title, “destitute adult child” means an adult child who:

19 (1) has no means of subsistence; and

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

21 [13–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 (b) A person who violates this section is guilty of a misdemeanor and on conviction
5 is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.]

6 [13–103.

7 (a) A complaint under this section shall be made under oath in writing to a State's
8 Attorney.

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

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

11 (2) a parent of the destitute adult child has or is able to earn means
12 sufficient to provide the destitute adult child with necessary food, shelter, care, and
13 clothing; and

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

16 [13–104.

17 (a) After a complaint is filed under § 13–103 of this title and before an information
18 is prepared, the State's Attorney may hold a pretrial inquiry.

19 (b) In connection with any pretrial inquiry under this section, the State's Attorney
20 may:

21 (1) issue a summons that requires a person other than the accused
22 individual to appear, to testify, and to produce documents connected to the inquiry;

23 (2) administer oaths;

24 (3) examine witnesses; and

25 (4) receive evidence.

26 (c) (1) If a person fails to obey a summons, or fails to testify or comply with the
27 requests of the State's Attorney, the State's Attorney may ask the circuit court for the
28 county to order the person:

29 (i) to obey the summons;

1 (ii) to testify; or

2 (iii) to produce any document that the court considers necessary for
3 the inquiry.

4 (2) If a person fails or refuses to obey the order of court after the order has
5 been served, the person is in contempt of court and the court may punish the person for the
6 contempt.

7 (3) A finding of contempt under this subsection is subject to appeal.]

8 [13–105.

9 Before the State’s Attorney conducts an inquiry under § 13–104 of this title, the
10 State’s Attorney shall notify the accused individual in writing of:

11 (1) the time and place of the inquiry;

12 (2) the accused individual’s right to appear at the inquiry and to produce
13 evidence or information that relates to the matters examined; and

14 (3) the accused individual’s right to testify if the individual:

15 (i) notifies the State’s Attorney of the individual’s desire to testify;
16 and

17 (ii) signs a waiver that permits the individual’s testimony to be used
18 against the individual in any later trial that arises from the complaint.]

19 [13–106.

20 (a) The State’s Attorney may file an information that charges the accused
21 individual with nonsupport of the individual’s destitute adult child, based on the complaint.

22 (b) After filing an information, the State’s Attorney may seek to obtain the
23 consent of the accused individual to the entry of a court order under § 13–107 of this title.]

24 [13–107.

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

27 (1) to pay support:

28 (i) to the individual’s destitute adult child; or

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

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

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

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

9 (d) The court may modify the order.]

10 [13–108.

11 (a) An individual who fails to give bond after being ordered to give bond under §
12 13–107 of this title is subject to imprisonment until bond is given, not exceeding 1 year.

13 (b) In consideration of the financial circumstances of the accused individual, and
14 on the individual's entering into a recognizance, the court may:

15 (1) suspend imposition of the sentence for failure to give bond; and

16 (2) place the individual on probation for the period that the individual is
17 required to pay support.

18 (c) The recognizance ordered by the court shall be:

19 (1) in the amount that the court directs, with or without security; and

20 (2) on the conditions that:

21 (i) if the individual is summoned to appear before the court, the
22 individual shall appear; and

23 (ii) the individual shall pay support as ordered by the court.

24 (d) If an individual fails to pay support under the court's order, the court may
25 revoke the probation and impose the sentence for failure to give bond.

26 (e) The court may order that any forfeited recognizance be paid:

27 (1) to the individual's destitute adult child; or

28 (2) if the individual's destitute adult child is a public charge, to the agency
29 that is authorized by law to receive the forfeited recognizance.]

1 [13–109.

2 The court shall release an individual who is ordered to pay support under this
3 subtitle and any sureties of that individual from the terms of any court order, bond, or
4 recognizance under this subtitle if:

5 (1) the individual or the individual’s destitute adult child dies;

6 (2) the individual’s destitute adult child becomes self-supporting; or

7 (3) the individual becomes unable to earn or loses possession of means
8 sufficient to provide for the individual’s destitute adult child.]

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.