

---

**To:** Members of The House Judiciary Committee

**From:** Family & Juvenile Law Section Council (FJLSC)  
by Daniel V. Renart, Esquire

**Date:** February 18, 2021

**Subject:** **House Bill 816:**  
Family Law – Support of Destitute Children - Repeal

**Position:** **OPPOSE**

---

The Maryland State Bar Association (MSBA) FJLSC **opposes House Bill 816 – Family Law-Grandparent Visitation.**

This testimony is submitted on behalf of the Family and Juvenile Law Section Council (“FJLSC”) of the Maryland State Bar Association (“MSBA”). The FJLSC is the formal representative of the Family and Juvenile Law Section of the MSBA, which promotes the objectives of the MSBA by improving the administration of justice in the field of family and juvenile law and, at the same time, tries to bring together the members of the MSBA who are concerned with family and juvenile laws and in reforms and improvements in such laws through legislation or otherwise. The FJLSC is charged with the general supervision and control of the affairs of the Section and authorized to act for the Section in any way in which the Section itself could act. The Section has over 1,200 attorney members.

HB 816 seeks to repeal the existing statutory framework located in Family Law Article §§13-101 to 13-109. While we acknowledge that this statutory framework is not often used, we believe that it is necessary for those limited number of individuals that qualify under the statute. Currently those statutes create a framework to allow an adult destitute child, defined as an adult child who has no means of subsistence and cannot be self-supporting, due to mental or physical infirmity” to obtain financial support from a parent “who has or is able to earn sufficient means”. The FJLSC was informed that the impetus of this Bill is from a specific case in Baltimore County, which was later upheld by the Court of Special Appeals. After reviewing the supporting materials from Delegate Shoemaker’s office and deliberating the matter, the FJLSC has decided to oppose HB 816, for the following reasons:

1. The application of this statutory framework, as experienced by our members, has been positive, leading to the continued support of adult children afflicted with various

- disabling conditions, including autism, brain injuries and intellectual disabilities. Trial Courts that consider petitions for support brought under Family Law Article §§13-101 to 13-109, make determinations based on supporting evidence presented at the merits hearing, and the ultimate decision of whether to ordered some level of support is left to the discretion of the Trial Judge within the statutory framework.
2. The existing statutory framework requires that the Trial Court first determine whether the Petitioner is a qualifying child, which is limited to adult children who have no means of subsistence and cannot be self-supporting due to mental or physical infirmity. This alone limits the potential for abuse and ensures that only adult children that fall into this limited category are capable of obtaining support.
  3. Family Law Article §§13-101 to 13-109 does not create economic liability for existing medical costs incurred by the disabled person, rather it is prospective in nature and limited to the means and ability to contribute of the parent who is not otherwise voluntarily providing support.
  4. Repealing Family Law Article §§13-101 to 13-109 would eliminate an avenue for disabled adult children from obtaining needed support from parents that are otherwise capable of providing that economic support. The responsibility of caring for these disabled individuals would then potentially fall to the State.
  5. Materials provided in support of HB 816 reflected a concern with filial responsibility laws. These laws from other States extend financial liability to children, spouses and parents for the costs of nursing homes and destitute parents. That is not the case with the existing statutory framework. The existing statutory frame work does not extend economic liability to all family members and is limited to economically capable parents of disabled adult destitute children.

The FJLSC urges the House Judiciary Committee, for the reasons stated above, to issue an unfavorable report on HB 816.

Should you have any questions, please contact Daniel V. Renart, Esquire by e-mail at [drenart@rghlawyers.com](mailto:drenart@rghlawyers.com) or by telephone at (301) 383-1525.