

CHAPTER 164

(House Bill 131)

AN ACT to repeal and re-enact, with amendments, Section 5(c) of Article 59 of the Annotated Code of Maryland (1963 Supplement), title "Lunatics and Insane," subtitle "Lunatic or Insane Paupers," AND TO REPEAL AND RE-ENACT, WITH AMENDMENTS, SECTION 601(C-1) OF ARTICLE 43 OF THE SAID CODE, TITLE "HEALTH," SUBTITLE "CHRONIC HOSPITALS AND INFIRMARIES," to remove the liability of parents for payment toward the cost of care of their adult children in State mental hospitals AND IN STATE CHRONIC DISEASE HOSPITALS.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 5(c) of Article 59 of the Annotated Code of Maryland (1963 Supplement), title "Lunatics and Insane," subtitle "Lunatic or Insane Paupers," be and it is hereby repealed and re-enacted, with amendments, AND THAT SECTION 601 (C-1) OF ARTICLE 43 OF THE SAID CODE, TITLE "HEALTH," SUBTITLE "CHRONIC HOSPITALS AND INFIRMARIES," BE AND IT IS HEREBY REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read as follows:

5.

(c) It is the intent of Sections 4, 5, and 6 that a husband may be liable for the support of a wife while she is an inmate of any such institution; a wife, for a husband; a father or mother, or both, for a ~~minor~~ son or daughter UNDER TWENTY-ONE (21) YEARS OF AGE; and a son or daughter, or both, for a father or mother; however, no liability under Sections 4, 5, or 6 herein shall be placed upon any son or daughter for the support of a father or mother by whom the son or daughter has been abandoned or upon any husband or wife for the support of a spouse by whom the husband or wife has been abandoned. ~~OR UPON A MOTHER OR FATHER FOR ADULT CHILD IF THEIR COMBINED GROSS INCOME IS UNDER \$8,000.00.~~ The Department of Mental Hygiene shall promulgate rules and regulations pursuant to the Administrative Procedures Act, Sections 244-256, inclusive, of Article 41 of this Code, as amended from time to time, providing for a determination of what shall constitute abandonment in any of the above-mentioned exceptions to the liability for support. The determination of the Department of Mental Hygiene as to what constitutes abandonment shall be subject to judicial review pursuant to the provisions of Sections 255 and 256 of the Administrative Procedure Act, Article 41 of this Code. The provisions of Section 97 of Article 27 of this Code shall not have any effect on any determination of liability under this Section.

601.

(C-1) IT IS THE INTENT OF THIS SUBTITLE THAT A HUSBAND MAY BE LIABLE FOR THE SUPPORT OF A WIFE WHILE SHE IS AN INMATE OF ANY SUCH HOSPITAL; A WIFE, FOR A HUSBAND; A FATHER OR MOTHER, OR BOTH, FOR A SON OR DAUGHTER UNDER TWENTY-ONE (21)