

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 1034

(Senator Klausmeier)(By Request)

Judicial Proceedings

Civil Actions - Family Caregiver Reimbursement

This bill authorizes a “family caregiver” to bring a civil action for reimbursement of reasonable expenses incurred to provide care and support to a family member in need against the family member in need or another family member. An action filed under the bill must be brought within 10 years after the date on which the expenses are incurred, and the initial complaint filed in the action must include evidence of the expenses for which reimbursement is sought. A “family caregiver” is an individual who provides care and support to a family member who is at least age 18 and in need of substantial assistance with daily living activities.

Fiscal Summary

State Effect: None. The bill can be implemented with existing budgeted resources.

Local Effect: None. The bill can be implemented with existing local resources.

Small Business Effect: Minimal or none.

Analysis

Current Law: To the extent a claim for reimbursement of expenses incurred by a family caregiver is made pursuant to a contract or agreement, a family caregiver may be able to pursue a civil action for reimbursement of these expenses under existing statute, depending on the particulars of the situation. However, under § 5-101 of the Courts and Judicial Proceedings Article, a civil action must be filed within three years from the date it accrues, unless otherwise provided by State law.

Under provisions of the Estates and Trusts Article generally related to claims of creditors against an estate, all claims against an estate of a decedent, whether due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, are forever barred against the estate, the personal representative, and the heirs and legatees, unless presented within the earlier of (1) six months after the date of the decedent's death or (2) two months after the personal representative mails or otherwise delivers to the creditor a notice meeting specified requirements.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Legislative Services

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