

## **STATEMENT IN SUPPORT OF SB 150**

From the Maryland State Bar Association Elder Law and Disability Rights Section  
Before the Senate Judicial Proceedings Committee  
January 23, 2020

The Elder Law and Disability Rights Section of the Maryland State Bar Association supports SB150 as amended and applauds the sponsors for their efforts to provide clarify the time period for the Maryland Health Department ("MDH") to file claims against an estate.

This bill makes a simple and common-sense amendment to Maryland Estates and Trusts Code Section 8-103(f) . Currently this subsection states that MDH has six months after publication of notice of the appointment of a personal representative to file a claim against the estate. Maryland Estates and Trusts Code Section 7-103 (a) requires a regular probate estate to publish a notice three times, once per week.

It is commonly expected that the period to file a claim begins with the publication of the first notice. MDH has taken the position, however, that the six month period does not begin to start until the date of the last publication. This in effect gives MDH more than six months from the first publication to file a claim.

The legislation simply clarifies that the six-month period for MDH to file a claim against an estate starts when the notification is first published in a newspaper. It does not make new law or change from what is commonly and logically expected to be the rule.

Our section supports this legislation.

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