

By: **Delegate Mitchell**
Introduced and read first time: February 11, 2000
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 22, 2000

CHAPTER 442

1 AN ACT concerning

2 **Child Support Orders - Decedent Father's Estate - Repeal**

3 FOR the purpose of repealing provisions of law authorizing a court to issue certain
4 summons and to order support of a child from a decedent father's estate in a
5 certain manner and under certain circumstances; repealing a provision of law
6 canceling a bond given by a decedent father in a paternity proceeding and
7 discharging sureties ~~of~~ on the bond under certain circumstances; providing for
8 the application of this Act; and generally relating to the repeal of provisions of
9 law authorizing a court to issue summons and order child support from a
10 decedent father's estate.

11 BY repealing
12 Article - Family Law
13 Section 5-1043
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 1999 Supplement)

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

18 **Article - Family Law**

19 [5-1043.

20 (a) If a father dies after a court declares him to be the father of a child or
21 orders the father to make support payments under this subtitle, the court, on
22 notification of the father's death, may issue a summons for:

- 1 (1) the personal representative of the father;
- 2 (2) the heirs of the father;
- 3 (3) the sureties on any bond the father may have given; and
- 4 (4) the mother or other person who has charge of the child.

5 (b) (1) On proof of the amount of the deceased father's estate, the court may
6 order that the amount the court considers proper for the support of the child be paid
7 out of the estate.

8 (2) The court may not order paid from the deceased father's estate an
9 amount that is more than:

10 (i) one-half the amount that a child of the deceased father born in
11 wedlock would receive; or

12 (ii) one-half the amount the descendants of a child of the deceased
13 father born in wedlock would receive as a class.

14 (3) Any money ordered to be paid from a deceased father's estate under
15 this subtitle shall be charged as a debt against the estate.

16 (c) On payment of the amount ordered under this section:

17 (1) any bond given by the deceased father in the paternity proceeding
18 shall be canceled; and

19 (2) the sureties on the bond shall be discharged.]

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed only prospectively and may not be applied or interpreted to have any effect
22 on or application to any summons issued by a court and orders by the court for
23 payment of an amount for support of a child from a deceased father's estate regarding
24 a father ~~that~~ who dies before the effective date of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2000.