
By: Senator Trotter

Requested: November 4, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support - Nonpayment - Consequences**

3 FOR the purpose of prohibiting parents who fail to pay child support for a certain period
4 from filing or receiving money from certain wrongful death actions; prohibiting
5 parents who fail to pay child support for a certain period from receiving
6 distributions from certain estates and certain insurance policies; and generally
7 relating to parents who fail to pay child support.

8 BY repealing and reenacting, with amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-904(a)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Estates and Trusts
15 Section 3-104(b)
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Insurance
20 Section 16-211
21 Annotated Code of Maryland
22 (1996 Volume)
23 (As enacted by Chapter 11 of the Acts of the General Assembly of 1996)

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

2

1 **Article - Courts and Judicial Proceedings**

2 3-904.

3 (a) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
4 SUBSECTION, AN action under this subtitle shall be for the benefit of the wife, husband,
5 parent, and child of the deceased person.

6 (2) A PARENT OF A DECEASED MINOR MAY NOT BRING AN ACTION OR
7 RECEIVE ANY PORTION OF A JUDGMENT OR SETTLEMENT UNDER THIS SUBTITLE IF
8 THE PARENT IS MORE THAN 60 DAYS IN ARREARS OF CHILD SUPPORT OBLIGATIONS
9 AT THE TIME OF THE MINOR'S DEATH.

10 **Article - Estates and Trusts**

11 3-104.

12 (b) (1) [It] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
13 IT shall be distributed to the surviving parents equally, or if only one parent survives, to
14 the survivor; or if neither parent survives, to the issue of the parents, by representation.

15 (2) A PARENT OF A DECEASED MINOR MAY NOT RECEIVE ANY PORTION
16 OF THE MINOR'S ESTATE IF THE PARENT IS MORE THAN 60 DAYS IN ARREARS OF
17 CHILD SUPPORT OBLIGATIONS AT THE TIME OF THE MINOR'S DEATH.

18 **Article - Insurance**

19 16-211.

20 (a) Each policy of life insurance shall contain a provision that when benefits
21 become payable because of the death of the insured, settlement shall be made on receipt
22 of proof of death and, at the insurer's option, on surrender of the policy, proof of the
23 interest of the claimant, or both.

24 (b) The provision also shall state that benefits include the refund of premiums
25 paid after the month in which death occurred.

26 (C) (1) EACH POLICY OF LIFE INSURANCE INSURING THE LIFE OF A MINOR
27 SHALL CONTAIN A PROVISION THAT A PARENT OF A DECEASED MINOR MAY NOT
28 RECEIVE ANY PORTION OF THE BENEFITS UNDER THE POLICY IF THE PARENT IS
29 MORE THAN 60 DAYS IN ARREARS OF CHILD SUPPORT OBLIGATIONS AT THE TIME
30 OF THE MINOR'S DEATH.

31 (2) EACH POLICY OF LIFE INSURANCE INSURING THE LIFE OF A MINOR
32 ISSUED BEFORE OCTOBER 1, 1997 SHALL BE AMENDED TO COMPLY WITH THE
33 REQUIREMENTS OF THIS SUBSECTION ON THE FIRST POLICY RENEWAL
34 ANNIVERSARY DATE ON OR AFTER OCTOBER 1, 1997.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
36 October 1, 1997.