

SENATE BILL 196

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SB 43/97 - JPR

1998 Regular Session
8r1447

By: **Senator Trotter**

Introduced and read first time: January 28, 1998

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

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 3-904(a)
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Estates and Trusts
16 Section 3-104(b)
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Insurance
21 Section 16-211
22 Annotated Code of Maryland
23 (1997 Volume)

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

1 **Article - Courts and Judicial Proceedings**

2 3-904.

3 (a) (1) [An] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
4 AN action under this subtitle shall be for the benefit of the wife, husband, parent, and
5 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,
14 to the survivor; or if neither parent survives, to the issue of the parents, by
15 representation.

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

19 **Article - Insurance**

20 16-211.

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

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

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

32 (2) EACH POLICY OF LIFE INSURANCE INSURING THE LIFE OF A MINOR
33 ISSUED BEFORE OCTOBER 1, 1998, SHALL BE AMENDED TO COMPLY WITH THE
34 REQUIREMENTS OF THIS SUBSECTION ON THE FIRST POLICY RENEWAL
35 ANNIVERSARY DATE ON OR AFTER OCTOBER 1, 1998.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the changes made to §
2 3-104(b) of the Estates and Trusts Article by Section 1 of this Act shall be construed
3 retroactively and shall be applied to and interpreted to affect distributions from any
4 estate of a minor that was opened on or after October 1, 1995, and has not been closed
5 as of the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1998.