

SENATE BILL 219

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SB 258/99 - JPR

2000 Regular Session
0lr1290

By: **Senators Frosh, Harris, Hollinger, and Forehand**
Introduced and read first time: January 25, 2000
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Intestate Succession - Failure to Support Child**

3 FOR the purpose of precluding a parent from inheriting through a child if the parent
4 has abandoned, deserted, or refused to support the child or has refused to
5 acknowledge the child as the parent's own; defining a certain term; making
6 certain stylistic changes; providing for the application of this Act; and generally
7 relating to intestate succession.

8 BY repealing and reenacting, without amendments,
9 Article - Estates and Trusts
10 Section 3-104(a)
11 Annotated Code of Maryland
12 (1991 Replacement Volume and 1999 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Estates and Trusts
15 Section 3-104(b) and 5-104
16 Annotated Code of Maryland
17 (1991 Replacement Volume and 1999 Supplement)

18 BY adding to
19 Article - Estates and Trusts
20 Section 3-112
21 Annotated Code of Maryland
22 (1991 Replacement Volume and 1999 Supplement)

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

1

Article - Estates and Trusts

2 3-104.

3 (a) If there is no surviving issue the net estate exclusive of the share of the
4 surviving spouse, or the entire net estate if there is no surviving spouse, shall be
5 distributed by the personal representative pursuant to the provisions of this section.

6 (b) [It] SUBJECT TO §§ 3-111 AND 3-112 OF THIS SUBTITLE, IT shall be
7 distributed to the surviving parents equally, or if only one parent survives, to the
8 survivor; or if neither parent survives, to the issue of the parents, by representation.

9 3-112.

10 (A) IN THIS SECTION, "REFUSED TO SUPPORT" MEANS THE FAILURE OF A
11 NATURAL OR ADOPTIVE PARENT TO PROVIDE SUPPORT FOR A TOTAL OF AT LEAST 12
12 MONTHS DURING THE PERIOD IN WHICH THE NATURAL OR ADOPTIVE PARENT WAS
13 REQUIRED TO PROVIDE SUPPORT.

14 (B) INHERITANCE FROM OR THROUGH A CHILD BY A NATURAL OR ADOPTIVE
15 PARENT IS PRECLUDED IF THE PARENT HAS ABANDONED, DESERTED, OR REFUSED
16 TO SUPPORT THE CHILD OR REFUSED TO ACKNOWLEDGE THE CHILD AS THE
17 PARENT'S OWN.

18 5-104.

19 In granting letters in administrative or judicial probate, or in appointing a
20 successor personal representative, or a special administrator as provided in Subtitle 4
21 of Title 6, the court and register shall observe the following order of priority, with any
22 person in any one of the following paragraphs considered as a class:

23 (1) The personal representatives named in a will admitted to probate;

24 (2) The surviving spouse and children of an intestate decedent, or the
25 surviving spouse of a testate decedent;

26 (3) The residuary legatees;

27 (4) The children of a testate decedent who are entitled to share in the
28 estate;

29 (5) The grandchildren of the decedent who are entitled to share in the
30 estate;

31 (6) [The] SUBJECT TO §§ 3-111 AND 3-112 OF THIS ARTICLE, THE parents
32 of the decedent who are entitled to share in the estate;

33 (7) The brothers and sisters of the decedent who are entitled to share in
34 the estate;

35 (8) Other relations of the decedent who apply for administration;

1 (9) The largest creditor of the decedent who applies for administration;

2 (10) Any other person having a pecuniary interest in the proper
3 administration of the estate of THE decedent who applies for administration; or

4 (11) Any other person.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
6 shall apply to any administrative and judicial probate proceedings instituted on or
7 after October 1, 2000.

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