

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 16, 2000

CHAPTER _____

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)

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

3 **Article - Estates and Trusts**

4 3-104.

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

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

11 3-112.

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

16 (B) ~~INHERITANCE FROM OR THROUGH A CHILD BY A NATURAL OR ADOPTIVE~~
17 ~~PARENT IS PRECLUDED~~ A SURVIVING PARENT IS NOT ENTITLED UNDER § 3-104 OF
18 THIS SUBTITLE TO A DISTRIBUTION OF THE NET ESTATE OF A CHILD OF THE PARENT
19 IF THE PARENT HAS ABANDONED, DESERTED, OR REFUSED TO SUPPORT THE CHILD
20 OR REFUSED TO ACKNOWLEDGE THE CHILD AS THE PARENT'S OWN.

21 5-104.

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

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

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

29 (3) The residuary legatees;

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

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

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

- 1 (7) The brothers and sisters of the decedent who are entitled to share in
2 the estate;
- 3 (8) Other relations of the decedent who apply for administration;
- 4 (9) The largest creditor of the decedent who applies for administration;
- 5 (10) Any other person having a pecuniary interest in the proper
6 administration of the estate of THE decedent who applies for administration; or
- 7 (11) Any other person.

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

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