

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 976 (Delegate Mitchell)

Judiciary

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

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This bill repeals the provisions of law authorizing a court to issue a summons for the personal representative, heirs, bonds, bond sureties, and the child's mother or legal guardian when a father has died after paternity has been established or a court has ordered the father to make child support payments. The bill repeals: (1) the ability of a court to order the amount it considers proper for the child's support from the estate upon proof of the amount of the estate; (2) the limits set on the court-ordered payments from the decedent's estate; (3) the ability to charge, as a debt against the estate, any money ordered to be paid from a decedent's estate; and (4) the cancellation of a bond or the discharge of sureties on a bond given by the deceased father in the paternity proceeding.

The bill is to be construed prospectively only and would not have any effect on, or application to, any summons issued by a court and orders by the court for payments for support of a child from a deceased father's estate regarding a father that dies before the bill's October 1, 2000, effective date.

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**Fiscal Summary**

**State Effect:** Potential special fund revenue decrease to the extent that the bill's provisions lead to decreased child support collections from estates on behalf of Temporary Cash Assistance (TCA) recipients. Expenditures would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** A court may issue a summons for the personal representative, heirs, bond sureties, and the child's mother or legal guardian when a father has died after paternity has been established and a court has ordered payment of child support. The law provides that: (1) a court may order the amount it considers proper for the child's support from the estate; (2) there are certain limits on court ordered payments from the decedent's estate; (3) money ordered to be paid from a decedent's estate may be charged as a debt against the estate; and (4) upon payment of the court-ordered amount, a bond may be canceled or the sureties discharged on a bond given by the deceased father in the paternity proceeding.

**State Fiscal Effect:** State special fund revenues could decrease to the extent that the bill's provisions lead to a reduction in child support collections for TCA recipients. The impact depends upon the amount of previously ordered child support actually collected from estate cases. However, information on child support collections from a decedent father's estate is not tracked. The Register of Wills estimates that over the last two years, ten out of 5,000 estate cases involved existing child support orders. The number of cases involving TCA recipients cannot be reliably estimated at this time.

In any event, collections on behalf of TCA recipients totaled approximately \$23 million in fiscal 1999, or approximately 6% of the \$374 million total child support collections statewide. TCA recipients must assign their support rights to the State and federal government as partial reimbursement for TCA payments made in support of the children. As a result, TCA child support collections are distributed 50% to the State and 50% to the federal government.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary, Department of Human Resources, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2000  
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