

HOUSE BILL 154

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2001 Regular Session
(11r0293)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate K. Kelly**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts - Intestate Succession - Abandonment or Failure to Pay**
3 **Child Support or Abandonment of Minor Child**

4 FOR the purpose of precluding a parent from inheriting by intestate succession from
5 a minor child of the parent if the parent abandoned the child or willfully failed
6 to ~~pay child~~ contribute to the support for of the child in violation of a court order
7 for a certain period of time; establishing that a parent shall be deemed to have
8 abandoned a minor child under certain circumstances; clarifying that the
9 distribution of a decedent's estate to the surviving parent or parents is subject to
10 certain provisions of law; clarifying that a surviving parent of a decedent is
11 ineligible to be granted letters of administration or to be appointed as successor
12 personal representative or a special administrator under certain circumstances;
13 providing for the application of this Act; and generally relating to intestate
14 succession.

15 BY repealing and reenacting, without amendments,
16 Article - Estates and Trusts

1 Section 3-101 and 3-104(a) ~~and (b)~~
 2 Annotated Code of Maryland
 3 (1991 Replacement Volume and 2000 Supplement)

4 *BY repealing and reenacting, with amendments,*

5 *Article - Estates and Trusts*
 6 *Section 3-104(b) and 5-104*
 7 *Annotated Code of Maryland*
 8 *(1991 Replacement Volume and 2000 Supplement)*

9 BY adding to
 10 Article - Estates and Trusts
 11 Section 3-112
 12 Annotated Code of Maryland
 13 (1991 Replacement Volume and 2000 Supplement)

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

16 **Article - Estates and Trusts**

17 3-101.

18 Any part of the net estate of a decedent not effectively disposed of by his will
 19 shall be distributed by the personal representative to the heirs of the decedent in the
 20 order prescribed in this subtitle.

21 3-104.

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

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

28 3-112.

29 (A) A SURVIVING PARENT IS NOT ENTITLED UNDER § 3-104 OF THIS SUBTITLE
 30 TO A DISTRIBUTION OF THE NET ESTATE OF A MINOR CHILD OF THE PARENT IF THE
 31 PARENT:

32 (1) ABANDONED THE CHILD; OR

33 (2) WILLFULLY FAILED TO ~~PAY ANY CHILD~~ CONTRIBUTE TO THE
 34 ~~SUPPORT FOR~~ OF THE CHILD ~~IN VIOLATION OF A COURT ORDER~~ FOR AT LEAST 3

1 CONSECUTIVE YEARS IMMEDIATELY PRECEDING THE DEATH OF THE CHILD OR FOR
 2 THE LIFE OF THE CHILD, WHICHEVER IS LESS.

3 (B) A PARENT SHALL BE DEEMED TO HAVE ABANDONED A MINOR CHILD
 4 UNDER SUBSECTION (A)(1) OF THIS SECTION IF THE CONDUCT OF ~~THAT~~ THE PARENT
 5 DEMONSTRATES A SETTLED PURPOSE ~~TO~~ WILLFULLY AND INTENTIONALLY TO
 6 RELINQUISH ALL PARENTAL RIGHTS AND DUTIES WITH RESPECT TO THE CHILD AND
 7 TO RENOUNCE AND FORSAKE THE CHILD ENTIRELY.

8 5-104.

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

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

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

16 (3) The residuary legatees;

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

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

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

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

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

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

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

29 (11) Any other person.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only
 31 to an estate of a minor child who dies on or after the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2001.

