
By: **Delegate K. Kelly**

Introduced and read first time: January 18, 2001

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of precluding a parent from inheriting by intestate succession from
5 a child of the parent if the parent abandoned the child or willfully failed to pay
6 child support for the child in violation of a court order for a certain period of
7 time; providing for the application of this Act; and generally relating to intestate
8 succession.

9 BY repealing and reenacting, without amendments,
10 Article - Estates and Trusts
11 Section 3-101 and 3-104(a) and (b)
12 Annotated Code of Maryland
13 (1991 Replacement Volume and 2000 Supplement)

14 BY adding to
15 Article - Estates and Trusts
16 Section 3-112
17 Annotated Code of Maryland
18 (1991 Replacement Volume and 2000 Supplement)

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

21 **Article - Estates and Trusts**

22 3-101.

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

1 3-104.

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

5 (b) It shall be distributed to the surviving parents equally, or if only one
6 parent survives, to the survivor; or if neither parent survives, to the issue of the
7 parents, by representation.

8 3-112.

9 (A) A SURVIVING PARENT IS NOT ENTITLED UNDER § 3-104 OF THIS SUBTITLE
10 TO A DISTRIBUTION OF THE NET ESTATE OF A CHILD OF THE PARENT IF THE
11 PARENT:

12 (1) ABANDONED THE CHILD; OR

13 (2) WILLFULLY FAILED TO PAY CHILD SUPPORT FOR THE CHILD IN
14 VIOLATION OF A COURT ORDER FOR AT LEAST 3 CONSECUTIVE YEARS.

15 (B) A PARENT SHALL BE DEEMED TO HAVE ABANDONED A CHILD UNDER
16 SUBSECTION (A)(1) OF THIS SECTION IF THE CONDUCT OF THAT PARENT
17 DEMONSTRATES A SETTLED PURPOSE TO WILLFULLY AND INTENTIONALLY
18 RELINQUISH ALL PARENTAL RIGHTS AND DUTIES WITH RESPECT TO THE CHILD AND
19 TO RENOUNCE AND FORSAKE THE CHILD ENTIRELY.

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

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