
By: **Delegate K. Kelly**

Introduced and read first time: January 18, 2001

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 6, 2001

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts - Intestate Succession - Failure to Pay Child Support or**
3 **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 support for the child in violation of a court order for a certain period
7 of time; providing for the application of this Act; and generally relating to
8 intestate 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:

1

Article - Estates and Trusts

2 3-101.

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

6 3-104.

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

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

13 3-112.

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

17 (1) ABANDONED THE CHILD; OR

18 (2) WILLFULLY FAILED TO PAY ANY CHILD SUPPORT FOR THE CHILD IN
19 VIOLATION OF A COURT ORDER FOR AT LEAST 3 CONSECUTIVE YEARS IMMEDIATELY
20 PRECEDING THE DEATH OF THE CHILD.

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

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

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

