

SENATE BILL 173

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2001 Regular Session
(11r1119)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Frosh, Harris, Hollinger, and ~~Forehand~~ Forehand,
and Hooper**

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.

President.

CHAPTER _____

1 AN ACT concerning

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

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

15 BY repealing and reenacting, without amendments,

1 Article - Estates and Trusts
 2 Section 3-101 and 3-104(a)
 3 Annotated Code of Maryland
 4 (1991 Replacement Volume and 2000 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article - Estates and Trusts
 7 Section 3-104(b) and 5-104
 8 Annotated Code of Maryland
 9 (1991 Replacement Volume and 2000 Supplement)

10 BY adding to
 11 Article - Estates and Trusts
 12 Section 3-112
 13 Annotated Code of Maryland
 14 (1991 Replacement Volume and 2000 Supplement)

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

17 **Article - Estates and Trusts**

18 3-101.

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

22 3-104.

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

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

29 3-112.

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

33 (1) ABANDONED THE CHILD; OR

34 (2) WILLFULLY FAILED TO PAY ~~CHILD~~ CONTRIBUTE TO THE SUPPORT
 35 ~~FOR OF~~ THE CHILD FOR A PERIOD OF AT LEAST 2 YEARS DURING WHICH THE PARENT

1 ~~WAS REQUIRED TO PAY CHILD SUPPORT 3 CONSECUTIVE YEARS IMMEDIATELY~~
 2 ~~PRECEDING THE DEATH OF THE CHILD OR FOR THE LIFE OF THE CHILD, WHICHEVER~~
 3 ~~IS LESS.~~

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

9 5-104.

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

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

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

17 (3) The residuary legatees;

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

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

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

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

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

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

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

30 (11) Any other person.

31 SECTION 2. AND BE IT FURTHER ENACTED, That ~~the provisions of this Act~~
 32 ~~shall apply to any administrative and judicial probate proceedings instituted on or~~
 33 ~~after October 1, 2004~~ only to an estate of a minor child who dies on or after the
 34 effective date of this Act.

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