

SENATE BILL 173

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SB 219/00 - JPR

2001 Regular Session  
1r1119

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By: **Senators Frosh, Harris, Hollinger, and Forehand**

Introduced and read first time: January 19, 2001

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Intestate Succession - Failure to Support Child**

3 FOR the purpose of precluding a parent from inheriting through a child if the parent  
4 has abandoned the child or willfully failed to pay child support for a certain  
5 period of time; making certain stylistic changes; providing for the application of  
6 this Act; and generally relating to intestate succession.

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

12 BY repealing and reenacting, with amendments,  
13 Article - Estates and Trusts  
14 Section 3-104(b) and 5-104  
15 Annotated Code of Maryland  
16 (1991 Replacement Volume and 2000 Supplement)

17 BY adding to  
18 Article - Estates and Trusts  
19 Section 3-112  
20 Annotated Code of Maryland  
21 (1991 Replacement Volume and 2000 Supplement)

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

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**Article - Estates and Trusts**

2 3-104.

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

6 (b) [It] SUBJECT TO §§ 3-111 AND 3-112 OF THIS SUBTITLE, IT shall be  
7 distributed to the surviving parents equally, or if only one parent survives, to the  
8 survivor; or if neither parent survives, to the issue of the parents, by representation.  
9 3-112.

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

13 (1) ABANDONED THE CHILD; OR

14 (2) WILLFULLY FAILED TO PAY CHILD SUPPORT FOR THE CHILD FOR A  
15 PERIOD OF AT LEAST 2 YEARS DURING WHICH THE PARENT WAS REQUIRED TO PAY  
16 CHILD SUPPORT.

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

22 5-104.

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

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

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

30 (3) The residuary legatees;

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

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

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

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

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

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

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

9           (11)    Any other person.

10       SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act  
11 shall apply to any administrative and judicial probate proceedings instituted on or  
12 after October 1, 2001.

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