

SENATE BILL 110

N2

(PRE-FILED)

5lr1276
CF HB 261

By: **Senator West**

Requested: October 18, 2024

Introduced and read first time: January 8, 2025

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **Estates and Trusts – Priority of Claims on an Estate – Unpaid Child Support**

3 FOR the purpose of prioritizing the payment of unpaid child support over certain other
4 claims on an estate of a decedent with insufficient assets to pay all claims in full; and
5 generally relating to unpaid child support and the priority of claims on an estate.

6 BY repealing and reenacting, with amendments,

7 Article – Estates and Trusts

8 Section 8–105

9 Annotated Code of Maryland

10 (2022 Replacement Volume and 2024 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Estates and Trusts**

14 8–105.

15 (a) If the applicable assets of the estate are insufficient to pay all claims in full,
16 the personal representative shall make payment in the following order:

17 (1) Fees due to the register;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (2) Costs and expenses of administration;
- 2 (3) Funeral expenses as provided in § 8–106 of this subtitle;
- 3 (4) Compensation of personal representatives as provided in § 7–601 of this
4 article, for legal services as provided in § 7–602 of this article, and commissions of licensed
5 real estate brokers;
- 6 (5) Family allowance as provided in § 3–201 of this article;
- 7 **(6) UNPAID CHILD SUPPORT DUE BY THE DECEDENT;**
- 8 ~~[(6)]~~ **(7)** Taxes due by the decedent;
- 9 ~~[(7)]~~ **(8)** Reasonable medical, hospital, and nursing expenses of the last
10 illness of the decedent;
- 11 ~~[(8)]~~ **(9)** Rent payable by the decedent for not more than three months in
12 arrears;
- 13 ~~[(9)]~~ **(10)** Wages, salaries, or commission for services performed for the
14 decedent within three months prior to death of the decedent;
- 15 ~~[(10)]~~ **(11)** Assistance paid under the Public Assistance to Adults Program,
16 as provided in § 5–407(d) of the Human Services Article; and
- 17 ~~[(11)]~~ **(12)** All other claims.

18 (b) (1) A preference may not be given in the payment of a claim over another
19 claim of the same class.

20 (2) A claim due and payable is not entitled to a preference over claims not
21 yet due.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.