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The Maryland House of Delegates
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Testimony in Support of HB 261

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

Delegate Cathi Forbes

Judiciary

January 22, 2025

What this bill does

This bill is intended to elevate the claims of unpaid child support in estates so that more of those claims are paid.

Why this bill matters

[Estates & Trusts 8-105](#) sets forth the priority of payments of claims in an estate. This list is utilized when an estate doesn't have enough assets to cover all the claims filed against the estate; claims are paid in the priority of this list. Claims with a higher priority are paid first, and when the estate assets run out, lower priority claims are not paid.

Currently claims for unpaid child support are covered under the lowest priority item, "(11) All other claims." This gives unpaid child support the same priority of payment as unsecured debt, like credit cards.

This legislation would elevate unpaid child support on the list, making it item (6) on the list.

Why you should vote for this bill

Child support is awarded because both parents have a legal responsibility to financially support their children, even if the parents separate or divorce. It was put in place to try to ensure the child's standard of living is maintained after their parents separate.

If a parent has failed to pay child support during their lifetime and then passes away, the parent of the surviving child has the right to file a claim against the estate for unpaid child support. The current priority list reduces the chance of that ever being paid in an insolvent estate. I ask you to pass this legislation to elevate that claim in the priorities to ensure that children get what they are due. I would argue that the payment made for the benefit of the surviving child means more to that family than payments to the creditors listed below that are institutional and business entities and have more resources to absorb the lack of payment.

I ask for a favorable report. Thank you.