

Defined term: "Support" § 1-101

5-1043. DEATH OF FATHER.

(A) SUMMONS.

IF A FATHER DIES AFTER A COURT DECLARES HIM TO BE THE FATHER OF A CHILD OR ORDERS THE FATHER TO MAKE SUPPORT PAYMENTS UNDER THIS SUBTITLE, THE COURT, ON NOTIFICATION OF THE FATHER'S DEATH, MAY ISSUE A SUMMONS FOR:

- (1) THE PERSONAL REPRESENTATIVE OF THE FATHER;
- (2) THE HEIRS OF THE FATHER;
- (3) THE SURETIES ON ANY BOND THE FATHER MAY HAVE GIVEN; AND
- (4) THE MOTHER OR OTHER PERSON WHO HAS CHARGE OF THE CHILD.

(B) PAYMENT FROM DECEDENT'S ESTATE.

(1) ON PROOF OF THE AMOUNT OF THE DECEASED FATHER'S ESTATE, THE COURT MAY ORDER THAT THE AMOUNT THE COURT CONSIDERS PROPER FOR THE SUPPORT OF THE CHILD BE PAID OUT OF THE ESTATE.

(2) THE COURT MAY NOT ORDER PAID FROM THE DECEASED FATHER'S ESTATE AN AMOUNT THAT IS MORE THAN:

(I) ONE-HALF THE AMOUNT THAT A CHILD OF THE DECEASED FATHER BORN IN WEDLOCK WOULD RECEIVE; OR

(II) ONE-HALF THE AMOUNT THE DESCENDANTS OF A CHILD OF THE DECEASED FATHER BORN IN WEDLOCK WOULD RECEIVE AS A CLASS.

(3) ANY MONEY ORDERED TO BE PAID FROM A DECEASED FATHER'S ESTATE UNDER THIS SUBTITLE SHALL BE CHARGED AS A DEBT AGAINST THE ESTATE.

(C) CANCELLATION OF BOND.

ON PAYMENT OF THE AMOUNT ORDERED UNDER THIS SECTION:

(1) ANY BOND GIVEN BY THE DECEASED FATHER IN THE PATERNITY PROCEEDING SHALL BE CANCELED; AND

(2) THE SURETIES ON THE BOND SHALL BE DISCHARGED.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 66J(c).