

No. 2000-118

## AN ACT

HB 2328

Amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for forfeiture relating to intestate succession, for granting of letters testamentary and letters of administration, for qualifications to serve as a personal representative, for revocation of letters testamentary and letters of administration and for removal of personal representative; and providing for a preadjudication rule.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 2106(b) of Title 20 of the Pennsylvania Consolidated Statutes is amended to read:

§ 2106. Forfeiture.

\* \* \*

(b) Parent's share.—Any parent who, for one year or upwards previous to the death of the parent's minor or dependent child, has [**willfully neglected or**]:

(1) failed to perform [**any**] *the* duty [**of**] *to* support [**owed to**] the minor or dependent child or who, for one year, has [**willfully**] deserted the minor or dependent child; *or*

(2) *been convicted of one of the following offenses under Title 18:*  
*section 4303 (relating to concealing death of child);*  
*section 4304 (relating to endangering welfare of children);*  
*section 6312 (relating to sexual abuse of children);*

*or an equivalent crime under Federal law or the law of another state involving his or her child;*

shall have no right or interest under this chapter in the real or personal estate of the minor or dependent child. *The determination under paragraph (1) shall be made by the court after considering the quality, nature and extent of the parent's contact with the child and the physical, emotional and financial support provided to the child.*

\* \* \*

Section 2. Section 3155 of Title 20 is amended by adding a subsection to read:

§ 3155. Persons entitled.

\* \* \*

(d) *Death charges.*—*Notwithstanding the provisions of subsections (a) and (b), the register shall not grant letters testamentary or letters of administration to any person charged, whether by indictment, information or otherwise, by the United States, the Commonwealth or any of the several states, with voluntary manslaughter or homicide, except homicide*

*by vehicle, in connection with a decedent's death unless and until the charge is withdrawn, dismissed or a verdict of not guilty is returned.*

Section 3. Section 3156 of Title 20 is amended by adding a paragraph to read:

§ 3156. Persons not qualified.

No person shall be qualified to serve as a personal representative who is:

\* \* \*

*(5) Charged, whether by indictment, information or otherwise, by the United States, the Commonwealth or any of the several states, with voluntary manslaughter or homicide, except homicide by vehicle, in connection with a decedent's death unless and until the charge is withdrawn, dismissed or a verdict of not guilty is returned.*

Section 4. Section 3181 of Title 20 is amended by adding a subsection to read:

§ 3181. Revocation of letters.

\* \* \*

*(c) Death charges.—Whether or not a will has been submitted or admitted, the register may revoke letters testamentary or of administration when it appears that the person to whom the letters were granted has been charged with voluntary manslaughter or homicide, except homicide by vehicle, as set forth in sections 3155 (relating to persons entitled) and 3156 (relating to persons not qualified), provided that the revocation shall not occur on these grounds if and when the charge has been dismissed, withdrawn or terminated by a verdict of not guilty.*

Section 5. Section 3182 of Title 20 is amended by adding a paragraph to read:

§ 3182. Grounds for removal.

The court shall have exclusive power to remove a personal representative when he:

\* \* \*

*(4.1) has been charged with voluntary manslaughter or homicide, except homicide by vehicle, as set forth in sections 3155 (relating to persons entitled) and 3156 (relating to persons not qualified), provided that the removal shall not occur on these grounds if the charge has been dismissed, withdrawn or terminated by a verdict of not guilty; or*

\* \* \*

Section 6. Title 20 is amended by adding a section to read:

§ 8814.1. Preadjudication rule.

*(a) General rule.—If a person has been charged, whether by indictment, information or otherwise, by the United States, the Commonwealth or any of the several states, with voluntary manslaughter or homicide, except homicide by vehicle, in connection with a decedent's death, then any and all property or benefit that would otherwise pass to that person from the decedent's estate shall be placed and preserved in escrow by the person duly appointed by the register as personal*

*representative. Upon dismissal or withdrawal of the charge, or upon the return of a verdict of not guilty, the property or benefit held in escrow shall pass as if no charge had been filed or made. Upon conviction of the charge, the property or benefit held in escrow shall pass in accordance with the terms and provisions of this chapter.*

*(b) Exception.—Notwithstanding subsection (a), the duly appointed personal representative shall be authorized upon notice to all interested parties, including, but not limited to, the accused, to petition the orphans' court division of the court of common pleas in the county where the estate lies for payment from the escrowed funds of child support and related expenses and of expenses of estate administration. Disposition of the petition shall lie in the sound discretion of the court.*

*(c) Notice to register of wills.—Within seven days of charging, whether by indictment, information or otherwise, a person with homicide or manslaughter the district attorney shall, in writing, notify the register of the name of the person charged, the name of the decedent and the charge.*

Section 7. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE