

Reproductive Technology's Impact on Inheritance in Maryland **October 2, 2012**

Maryland is now one of the few states to recognize the right of a child conceived after death to inherit under certain circumstances. This change significantly impacts estate planning and probate for individuals and couples who have utilized or intend to utilize reproductive technology to assist them in becoming parents.

Historically, a child had to be in gestation prior to death in order to be eligible to inherit. However, new legislation went into effect on October 1, 2012, that expands the definition of a "child" to include one "conceived from the genetic material of a person after the death of a person" if the decedent consented *in writing*: (1) to the use of his or her genetic material for posthumous conception, and (2) to be the parent of the posthumously-conceived child.

In situations where a person dies without a will, the Maryland legislature has limited the right to inherit to those children born within two years after the death of a parent. This time limitation was included in an effort to balance the protection of posthumously-conceived children with the benefits to the living heirs of expeditiously closing a decedent's estate. Surprisingly, no such limitation exists if a parent dies with a will.

The implications of this legislation extend beyond distribution from a decedent's estate to eligibility for Social Security and other government benefits, retirement plan distributions, and life insurance proceeds. Therefore, it is critical to address this issue as part of a comprehensive estate plan if you have preserved or intend to preserve genetic material for reproductive purposes.

Please contact the Law Office of Jill A. Snyder, LLC, at 410-864-8788 or jill@snyder-law.net to discuss how this legislation may affect you.