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INSURANCE LAW BULLETIN

Re: Insured’s Failure To Disclose Juvenile Felony Conviction Was Material To Risk Assumed By Life Insurance Company

The United States District Court for the District of Maryland recently held that an insured’s undisclosed juvenile felony conviction justified rescission of coverage. The insured’s juvenile status at the time of conviction was not a legal reason for the non-disclosure.

The insured’s life insurance application stated he had never been convicted of a felony. The insured died shortly after issuance of the policy. The claim investigation revealed a felony conviction when the insured was sixteen. The beneficiary sued for death benefits. The insurer moved for summary judgment, claiming the failure to disclose the felony conviction was material as a matter of law. Plaintiff opposed the motion, arguing that, absent a waiver of juvenile court jurisdiction, the conviction was not a felony conviction under Maryland law.

The Court, recognizing that juvenile jurisdiction can be waived, refused to permit a collateral attack on the conviction. The Court held that proof of the adult conviction was evidence of a waiver of juvenile court jurisdiction.

For further information or a copy of the Court’s opinion, please contact **Cheryl A. C. Brown**, who represented the insurer in this matter, at 410-659-4977 or cbrown@fblaw.com. Please visit our website at www.fblaw.com.

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