

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1048
By: Watson
Jurisprudence
3/30/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the mother and father of a person who dies intestate and who has no children or related descendants will inherit the estate of that person. The law does not provide any stipulations regarding a parent who abandons support of a child who dies intestate. As a result, the abandoning parent is entitled to receive benefits of that child's estate.

C.S.S.B. 1048 amends the laws of intestate succession in the Probate Code to authorize a probate court to bar any parent who has willfully abandoned the care and maintenance of the parent's child from any rights to intestate succession.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 41, Texas Probate Code, by adding Subsection (e), as follows:

(e) Parent-Child Relationship. Authorizes a probate court, in its discretion, to declare that the parent of a child is prohibited from inheriting from or through the child under the laws of descent and distribution if the court finds by clear and convincing evidence that grounds described by Section 161.001(1) (Involuntary Termination of Parent-Child Relationship), Family Code, existed for the involuntary termination of the parent-child relationship before the death of the child. Requires the parent to be treated as if the parent predeceased the child for purposes of inheritance under the laws of descent and distribution on such a determination.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.