

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 490

Introduced by Assembly Member Skinner
(Coauthor: Assembly Member Mullin)

February 19, 2013

An act to repeal and add Section 6452 of the Probate Code, relating to intestate succession.

LEGISLATIVE COUNSEL'S DIGEST

AB 490, as amended, Skinner. Intestate succession: children.

Existing law provides that the estate of a decedent not effectively disposed of by a will passes to the decedent's heirs as prescribed by law. Existing law prohibits, for a child born out of wedlock, a natural parent or a relative of that parent from inheriting from or through the child on the basis of the parent and child relationship unless the parent or a relative of the parent acknowledged the child and the parent or a relative of the parent contributed to the support or the care of the child.

This bill would revise and recast the provisions regarding inheritance of a parent from or through a child on the basis of the parent and child relationship. The bill would provide that a parent does not inherit from or through a child if the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished, the parent did not acknowledge the child, or the parent left the child during the child's minority and failed to provide for the child's support or to communicate with the child, as specified. The bill would provide that ~~a relative of a parent who does not inherit from or through a child, pursuant to the bill's provisions, would inherit from or through the child as if the parent had predeceased the child~~ *would be deemed to have*

predeceased the child and the intestate estate would pass as otherwise required under specified existing law of intestate succession.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6452 of the Probate Code is repealed.

2 SEC. 2. Section 6452 is added to the Probate Code, to read:

3 6452. (a) A parent does not inherit from or through a child on
4 the basis of the parent and child relationship if any of the following
5 apply:

6 (1) The parent’s parental rights were terminated and the
7 parent-child relationship was not judicially reestablished.

8 (2) The parent did not acknowledge the child.

9 (3) The parent left the child during the child’s minority and
10 failed to provide for the child’s support or to communicate with
11 the child, or both, for at least five consecutive years that continued
12 until the end of the child’s minority, with the intent on the part of
13 the parent to abandon the child. The failure to provide support or
14 to communicate for the prescribed period is presumptive evidence
15 of an intent to abandon.

16 ~~(b) A relative of a parent described in subdivision (a) inherits~~
17 ~~from or through the child as if the parent had predeceased the child.~~

18 (b) A parent who does not inherit from or through the child as
19 provided in subdivision (a) shall be deemed to have predeceased
20 the child, and the intestate estate shall pass as otherwise required
21 under Section 6402.