

AMENDED IN SENATE MAY 23, 2013

AMENDED IN ASSEMBLY APRIL 8, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 490**

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**Introduced by Assembly Member Skinner**  
**(~~Coauthor:~~ *Coauthors: Assembly Member Members Maienschein***  
***and Mullin*)**

February 19, 2013

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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~~ *without an effort* to provide for the child's support or ~~to communicate with the child,~~ *without communication from*

*the parent*, as specified. The bill would provide that a parent who does not inherit from or through a child, pursuant to the bill’s provisions, 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 Section 6452 of the Probate Code is repealed.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~~ *without an effort to* provide for the child’s support or ~~to~~
- 11 ~~communicate with the child, or both,~~ *without communication from*
- 12 *the parent*, for at least ~~five~~ *seven* consecutive years that continued
- 13 until the end of the child’s minority, with the intent on the part of
- 14 the parent to abandon the child. The failure to provide support or
- 15 to communicate for the prescribed period is presumptive evidence
- 16 of an intent to abandon.
- 17 (b) A parent who does not inherit from or through the child as
- 18 provided in subdivision (a) shall be deemed to have predeceased
- 19 the child, and the intestate estate shall pass as otherwise required
- 20 under Section 6402.