

BILL ANALYSIS

C.S.S.B. 1048
By: Watson
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A number of statutory bases exist for the involuntary termination of parental rights, ranging from abandonment to serious criminal activity. The purpose of this bill is provide a statutory basis for a right of a probate court to terminate the right of a parent to inherit from a child in an appropriate case.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill would amend the Probate Code to provide that a probate court has the discretion to declare that a parent may not inherit from or through a child if the court finds by clear and convincing evidence that certain grounds existed before the death of the child for the involuntary termination of the parent child relationship under the Family Code. The act also provides that a parent prohibited from inheriting from a child shall be treated as if it had predeceased such child for purposes of inheritance and any other cause of action based on parentage. The act is prospective.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill in that it strikes the reference in the original to grounds under Section 161.001(1), Family Code, and inserts specific grounds. The substitute also adds a subsection providing that a parent determined unable to inherit shall be treated as if it predeceased the child for certain purposes.