

By: Watson

S.B. No. 1048

Substitute the following for S.B. No. 1048:

By: Gonzales

C.S.S.B. No. 1048

A BILL TO BE ENTITLED

AN ACT

relating to the inheritance rights of certain parents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 41, Texas Probate Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) Parent-Child Relationship. A probate court may declare that the parent of a child under 18 years of age may not inherit from or through the child under the laws of descent and distribution if the court finds by clear and convincing evidence that the parent has:

(1) voluntarily abandoned and failed to support the child in accordance with the parent's obligation or ability for a minimum of three years before the date of the child's death, and did not resume support for the child before that date;

(2) voluntarily and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from and failed to support the child since birth; or

(3) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal

Code or adjudicated under Title 3, Family Code, for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 19.04 (manslaughter);

(D) Section 21.11 (indecent with a child);

(E) Section 22.01 (assault);

(F) Section 22.011 (sexual assault);

(G) Section 22.02 (aggravated assault);

(H) Section 22.021 (aggravated sexual assault);

(I) Section 22.04 (injury to a child, elderly individual, or disabled individual);

(J) Section 22.041 (abandoning or endangering child);

(K) Section 25.02 (prohibited sexual conduct);

(L) Section 43.25 (sexual performance by a child); and

(M) Section 43.26 (possession or promotion of child pornography).

(f) Treatment of Certain Relationships. On determination that the parent of a child may not inherit from or through the child under Subsection (e) of this section, the parent shall be treated as if the parent predeceased the child for purposes of:

(1) inheritance under the laws of descent and distribution; and

(2) any other cause of action based on parentage.

1           SECTION 2. The changes in law made by this Act apply only to  
2 the estate of a person who dies on or after the effective date of  
3 this Act. An estate of a person who dies before the effective date  
4 of this Act is covered by the law in effect on the date of the  
5 person's death, and the former law is continued in effect for that  
6 purpose.

7           SECTION 3. This Act takes effect September 1, 2007.