

Amend CSHB 2899 (house committee printing) as follows:

(1) Add the following appropriately numbered SECTION to Article 1 of the bill and renumber subsequent SECTIONS of the article accordingly:

SECTION 1.____. Sections 53C(a) and (b), Texas Probate Code, are amended to read as follows:

(a) This section applies in a proceeding to declare heirship of a decedent only with respect to an individual who [+

~~[(1) petitions the court for a determination of right of inheritance as authorized by Section 42(b) of this code; and~~

~~[(2)] claims to be a biological child of the decedent[, but with respect to whom a parent-child relationship with the decedent was not established as provided by Section 160.201, Family Code,] or [who] claims inheritance through a biological child of the decedent[, if a parent-child relationship between the individual through whom the inheritance is claimed and the decedent was not established as provided by Section 160.201, Family Code].~~

(b) The presumption under Section 160.505, Family Code, that applies in establishing a parent-child relationship also applies in determining heirship in the probate court using the results of genetic testing ordered with respect to an individual described by Subsection (a) of this section, and the presumption may be rebutted in the same manner provided by Section 160.505, Family Code. ~~[Unless the results of genetic testing of another individual who is an heir of the decedent are admitted as rebuttal evidence, the court shall find that the individual described by Subsection (a) of this section is an heir of the decedent if the results of genetic testing ordered under Section 53A of this chapter identify a tested individual who is an heir of the decedent as the ancestor of the individual described by Subsection (a) of this section.]~~

(2) On page 11, line 23, strike SECTION 1.11 of Article 1 of the bill, substitute the following appropriately numbered SECTION, and renumber subsequent SECTIONS of the article accordingly:

SECTION 1.____. Sections 29 and 53C(c), Texas Probate Code, are repealed.

(3) On page 12, between lines 18 and 19, insert the following:

(e) The changes in law made by this article to Sections 53C(a) and (b), Texas Probate Code, apply only to a proceeding to declare heirship commenced on or after September 1, 2011. A proceeding to declare heirship commenced before that date is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

(4) Add the following appropriately numbered SECTION to Article 2 of the bill and renumber subsequent SECTIONS of the article accordingly:

SECTION 2.____. Sections 204.151 and 204.152, Estates Code, as effective January 1, 2014, are amended to read as follows:

Sec. 204.151. APPLICABILITY OF SUBCHAPTER. This subchapter applies in a proceeding to declare heirship of a decedent only with respect to an individual who[+]

~~[(1) petitions the court for a determination of right of inheritance as authorized by Section 201.052(c); and~~

~~[(2)]~~ claims[+]

~~[(A)] to be a biological child of the decedent or claims[, but with respect to whom a parent-child relationship with the decedent was not established as provided by Section 160.201, Family Code; or~~

~~[(B)] to inherit through a biological child of the decedent[, if a parent-child relationship between the individual through whom the inheritance is claimed and the decedent was not established as provided by Section 160.201, Family Code].~~

Sec. 204.152. PRESUMPTION; [REQUIRED FINDINGS IN ABSENCE OF] REBUTTAL [EVIDENCE]. The presumption under Section 160.505, Family Code, that applies in establishing a parent-child relationship also applies in determining heirship in the probate court using the results of genetic testing ordered with respect to an individual described by Section 204.151, and the presumption may be rebutted in the same manner provided by Section 160.505, Family Code. ~~[Unless the results of genetic testing of another individual who is an heir of the decedent who is the subject of a proceeding to~~

~~declare heirship to which this subchapter applies are admitted as rebuttal evidence, the court shall find that the individual described by Section 204.151:~~

~~[(1) is an heir of the decedent, if the results of genetic testing ordered under Subchapter B identify a tested individual who is an heir of the decedent as the ancestor of the individual described by Section 204.151, or~~

~~[(2) is not an heir of the decedent, if the results of genetic testing ordered under Subchapter B exclude a tested individual who is an heir of the decedent as the ancestor of the individual described by Section 204.151.]~~

(5) On page 19, line 6, strike "49(a), 77," and substitute "49(a), 53C(a) and (b), 77,".