

By: Williams

S.B. No. 1326

A BILL TO BE ENTITLED

AN ACT

relating to disclaimers of estate property by certain beneficiaries.

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

SECTION 1. Section 122.051, Estates Code, as effective January 1, 2014, is amended to read as follows:

Sec. 122.051. FORM AND CONTENTS. (a) A disclaimer of property receivable by a beneficiary must be evidenced by written memorandum acknowledged before:

(1) a notary public; or

(2) another person authorized to take acknowledgments of conveyances of real estate.

(b) A disclaimer of property receivable by a beneficiary must include a statement regarding whether the beneficiary is a child support obligor described by Section 122.107.

SECTION 2. Subchapter C, Chapter 122, Estates Code, as effective January 1, 2014, is amended by adding Section 122.107 to read as follows:

Sec. 122.107. ATTEMPTED DISCLAIMERS BY CERTAIN CHILD SUPPORT OBLIGORS INEFFECTIVE. (a) A disclaimer made by a beneficiary who is a child support obligor of estate property that could be applied to satisfy the beneficiary's child support obligation is not effective if the beneficiary owes child support arrearages that have been:

1           (1) administratively determined by the Title IV-D  
2 agency as defined by Section 101.033, Family Code, in a Title IV-D  
3 case as defined by Section 101.034, Family Code; or

4           (2) confirmed and reduced to judgment as provided by  
5 Section 157.263, Family Code.

6           (b) After distribution of estate property to a beneficiary  
7 described by Subsection (a), the child support obligee to whom the  
8 child support arrearages are owed may enforce the child support  
9 obligation by a lien or by any other remedy provided by law.

10           SECTION 3. The change in law made by this Act applies only  
11 to a disclaimer filed on or after the effective date of this Act. A  
12 disclaimer filed before the effective date of this Act is governed  
13 by the law in effect on the date the disclaimer was filed, and the  
14 former law is continued in effect for that purpose.

15           SECTION 4. This Act takes effect January 1, 2014.