

## **BILL ANALYSIS**

Senate Research Center  
88R15407 EAS-D

H.B. 4765  
By: Dutton (Hughes)  
Jurisprudence  
5/16/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Since 1934, Texas courts have recognized adoption by estoppel, also known as equitable adoption. In order to prove adoption by estoppel, a person must show the existence of an agreement by the parent to adopt the child and performance by the child. Under adoption by estoppel, the natural parent or parents of the adopted child and the kindred of the natural parent or parents may not inherit from or through the adopted child, but the adopted child inherits from and through the child's natural parent or parents. H.B. 4765 seeks to allow adoptive parents through adoption by estoppel to inherit from and through the adopted child as if the child were their natural child.

H.B. 4765 amends current law relating to inheritance rights of adoptive parents.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 201.054(e), Estates Code, to provide that the definition of "adoptive parent" means a parent who adopted a child through an existing or former statutory procedure, or considered by a court to have equitably adopted a child or adopted a child by acts of estoppel. Makes nonsubstantive changes.

SECTION 2. Makes application of the change in law made by this Act to Section 201.054, Estates Code, prospective.

SECTION 3. Effective date: September 1, 2023.