

BILL ANALYSIS

H.B. 4765
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas courts have recognized adoption by estoppel, also known as equitable adoption, since 1934. 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 4765 amends the Estates Code, for purposes of matters affecting inheritance relating to an adopted child, to define an "adoptive parent" as a parent who adopted a child through an existing or former statutory procedure or a parent considered by a court to have equitably adopted a child or adopted a child by acts of estoppel. The bill applies only to the estate of a decedent who dies on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.