

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE -- INHERITANCE FROM
CHILD BY NON-SUPPORTING PARENT

Introduced By: Senators Nesselbush, Crowley, Quezada, Lombardi, and Lawson

Date Introduced: January 16, 2019

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 33 of the General Laws entitled "PROBATE PRACTICE AND
2 PROCEDURE" is hereby amended by adding thereto the following chapter:

3 CHAPTER 1.2

4 INHERITANCE FROM CHILD BY NON-SUPPORTING PARENT

5 **33-1.2-1. Disqualification of non-supporting parent(s) from inheritance from child.**

6 Notwithstanding any other provision of law, if the parent(s) of a deceased child would be
7 the intestate heir(s) of real and/or personal property pursuant to the provisions of this title, either
8 parent or any other heir with an interest based upon the decedent having died intestate may
9 petition the probate court for the denial or limitation of the rights of either or both parent(s) to a
10 share of the probate estate. If the court determines, by a preponderance of the evidence, that the
11 parent(s) failed to reasonably provide support for the decedent, did not otherwise provide for the
12 needs of the decedent during their minority, or that adherence to the intestate provisions of this
13 title would be inequitable, the parent(s) shall be a disqualified parent(s). The share, or portion of
14 the share limited by the court, that a disqualified parent(s) would have taken shall pass as though
15 the disqualified parent(s) had predeceased the decedent child.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would provide a mechanism for either parent or other heirs of a decedent child
2 who dies intestate to petition the probate court for a determination that the parent(s) failed to
3 provide reasonable support to the decedent resulting in denial or limitation of the right of the
4 parent(s) to a share of the decedent's estate.

5 This act would take effect upon passage.

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