

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2825

**DATE:** March 2, 2010

**Version:** First engrossment

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**Subject:** Parent-Child Relationship; Intestate Succession

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### Overview

This bill specifies and clarifies conditions under which a parent-child relationship exists for purposes of intestate succession, and permits appointment of a temporary and emergency conservator in certain cases.

#### Section

- 1 **Regulated investment company.** Specifies that certain capital gains distributions, which may be short-term or long-term, are treated as distributions of principal for purposes of trust accounting.
- 2 **Definitions.** Provides a number of new definitions that will be used throughout the bill.
- 3 **Parent barred from inheriting in certain circumstances.** Provides that a parent may not inherit from a child if the parental rights were terminated, or if the child died before reaching age 18, there was clear and convincing evidence that immediately prior to the child's death that the parent's rights could have been terminated under law on the basis of nonsupport, abandonment, abuse, neglect, or other action or inaction of the parent toward the child.  

This section replaces existing language related to determination of a parent-child relationship for purposes of intestate succession.
- 4 **Effect of parent-child relationship.** Except where special provisions related to adoption exist, provides that a parent is entitled to inherit from a child, or a child from a parent as permitted by law.
- 5 **Genetic parents.** Provides that the genetic parents' marital status does not affect the parent-child relationship for purposes of succession.
- 6 **Adoption.** Provides that a parent-child relationship exists between an adopted child and the adopting parents for purposes of intestate succession. Standards are provided if an adoption was in process at the time of an adoptive parent's death.

- 7 **Adoption; genetic parents.** Provides that there is no parent-child relationship for purposes of intestate succession between the genetic parents of a child who has been adopted, except in cases of step-parent adoption, adoption by the relative of a genetic parent, adoption after both genetic parents have died, or if a child is subsequently adopted by new parents after having established a parent-child relationship in an assisted reproduction process.
- 8 **Assisted reproduction.** Provides that a parent-child relationship does not exist for purposes of intestate succession between the child of assisted reproduction and a third-party donor. However, a parent-child relationship does exist between a child of assisted reproduction and a birth mother, and the husband of a birth mother if the husband provided sperm.  
This section also provides certain presumptions related to the contents of an official birth record, and presumptions related to the marital status of the child's birth mother. Provisions are also included related when a divorce occurs prior to placement of eggs, sperm, or embryo, and in the event consent is withdrawn.  
A parent-child relationship would not exist if the child was not in gestation at the time of death of a person party to the assisted reproduction process.
- 9 **Gestational agreements.** Provides that the provisions of chapter 524 do not affect existing laws related to gestational agreements.
- 10 **Equitable adoption.** Provides that the provisions of chapter 524 do not affect the doctrine of equitable adoption.
- 11 **Emergency and temporary conservator.** Provides standards for the appointment of an emergency and temporary conservator. Current law provides similar standards for appointment of an emergency guardian.  
A court would only be permitted to appoint a temporary conservator on petition of an interested person, and the conservatorship would only last 60 days. An emergency and temporary conservator could be appointed without notice to the respondent in certain circumstances. The court would be permitted to appoint a temporary substitute conservator, if necessary.
- 12 **Revisor's instruction.** Provides a technical instruction to the revisor related to coding in the Minnesota statutes.
- 13 **Effective date.** Provides an effective date for provisions of the bill. Sections 1 and 11 would be effective immediately; the remainder of the bill would be effective August 1, 2010, and apply as specified in this section.