

2009 SESSION

INTRODUCED

094315256

SENATE BILL NO. 815

Offered January 14, 2009

Prefiled December 3, 2008

A BILL to amend and reenact § 64.1-16.3 of the Code of Virginia, relating to intestate succession.

Patron—Locke

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 64.1-16.3 of the Code of Virginia is amended and reenacted as follows:

§ 64.1-16.3. Statutory rights barred by desertion or abandonment.

A. If a husband or wife willfully deserts or abandons his or her spouse and such desertion or abandonment continues until the death of the spouse, the party who deserted the deceased spouse shall be barred of all interest in the estate of the other by intestate succession, elective share, exempt property, family allowance, and homestead allowance.

B. If a parent willfully deserts or abandons his or her minor or incapacitated child and such desertion or abandonment continues until the death of the child, *regardless of whether the child was still a minor at the time of his death*, the parent shall be barred of all interest in the estate of the child by intestate succession unless the parent resumes the parental relationship and duties and such parental relationship and duties continue until the death of the child. *Any party whose interest in the estate arises only as a result of his relationship with a parent who is barred of all interest in the estate of the child by intestate succession pursuant to this section shall likewise be barred of all interest in the estate of the child unless the party had openly treated the child as his kin and such treatment continued until the death of the child.*

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