

Study L-659.02

September 13, 1995

Memorandum 95-52**Inheritance From or Through Child Born Out of Wedlock:
Comments on Tentative Recommendation**

The Commission approved the Tentative Recommendation on Inheritance From or Through Child Born Out of Wedlock at the March meeting. It would end the two-tiered system which imposes restrictive conditions on inheritance rights of most relatives of an out-of-wedlock child, but does not impose those restrictions on a brother or sister of the child or the issue of brothers or sisters. By making siblings subject to the same requirements as other relatives of the child, the TR would better effectuate the likely intent of most intestate decedents.

In March, we received favorable comments from the Executive Committee of the State Bar Estate Planning, Trust and Probate Law Section, from Professor Edward Halbach, and from attorney Chilton Lee of Palo Alto. The only new comment we have received is from attorney Alan Bonapart of San Francisco, attached to Memorandum 95-51 (page 17 of the exhibit). Mr. Bonapart finds the TR to be "well reasoned."

Accordingly, the staff recommends the Commission approve the TR as a final recommendation for printing and submission to the Legislature.

Respectfully submitted,

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