

524.2-114 PARENT BARRED FROM INHERITING IN CERTAIN CIRCUMSTANCES.

(a) A parent is barred from inheriting from or through a child of the parent if:

(1) the parent's parental rights were terminated and the parent-child relationship was not judicially reestablished;

(2) the child died before reaching 18 years of age and there is clear and convincing evidence that immediately before the child's death the parental rights of the parent could have been terminated under law of this state other than this chapter on the basis of nonsupport, abandonment, abuse, neglect, or other actions or inactions of the parent toward the child; or

(3) the child died after reaching 18 years of age and there is clear and convincing evidence that:

(i) during the years of the child's minority, the parental rights of the parent could have been terminated under laws of this state other than this chapter on the basis of nonsupport, abandonment, abuse, neglect, or other actions or inactions of the parent toward the child; and

(ii) in the year preceding the child's death, the parent and child were estranged. For purposes of this subdivision, "estranged" means having a relationship characterized by enmity, hostility, or indifference.

(b) For the purpose of intestate succession from or through the deceased child, a parent who is barred from inheriting under this section is treated as if the parent predeceased the child.

(c) This section does not apply to the probate of federal trust land under United States Code, title 25, sections 2205 to 2209, as amended, in a federal, state, or Tribal probate matter. Federal trust land has the meaning given under United States Code, title 24, section 2201(4)(i).

History: 1985 c 250 s 13; 1994 c 465 art 1 s 62; 1994 c 472 s 13; 1994 c 631 s 31; 2005 c 10 art 1 s 75; 2008 c 361 art 6 s 54; 2010 c 334 s 6; 2025 c 15 s 29