

House Bill 1296

By: Representative Kennard of the 102nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 1 of Title 53 of the Official Code of Georgia Annotated,
2 relating in general to general provisions for wills, trusts, and administration of estates, so as
3 to prohibit inheritance by an abandoning spouse; to provide for inheritance by an abandoning
4 spouse's descendants; to provide for applicability; to provide for a definition; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating in
9 general to general provisions for wills, trusts, and administration of estates, is amended by
10 adding a new Code section to read as follows:

11 "53-1-5.1.

12 (a) As used in this Code section, the term 'abandon' means the failure of an individual to
13 furnish to his or her spouse sufficient food, clothing, or medical treatment to meet such
14 spouse's needs for one year or more prior to the death of such spouse.

15 (b) An individual who abandons his or her spouse shall forfeit the right to take an interest
16 from the spouse decedent's estate and to serve as a personal representative or trustee of the
17 spouse decedent's estate or any trust created by the decedent.

18 (c) An individual who forfeits the right to take an interest from a spouse decedent's estate
19 by virtue of this Code section shall also forfeit the right to take any interest such individual
20 would otherwise take at such decedent's death by intestacy, year's support, will, deed,
21 power of appointment, or any other conveyance duly executed during life by the decedent
22 and shall be treated as having predeceased the decedent for purposes of determining the
23 distribution of the decedent's property and of appointing personal representatives or
24 trustees.

25 (d) This Code section shall have no effect on the rights of the descendants of the individual
26 who forfeits the right to take an interest from the decedent's estate; provided, however, that
27 if such descendants are taking by intestacy in place of the individual who forfeits such
28 right, the descendants shall take only that share of the decedent's estate to which the
29 individual who forfeits such right would have been entitled. The provisions of Code
30 Section 53-4-64 shall not apply with respect to the descendants of the individual who
31 forfeits the right to take from the decedent's estate unless such descendants are also
32 descendants of the decedent."

33

SECTION 2.

34 All laws and parts of laws in conflict with this Act are repealed.