



Current Through  
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# Intestate Inheritance Rights for Adopted Persons: Summary of State Laws

Leaving a will is the best way to ensure that heirs or descendants may inherit from your estate. Issues of property distribution may arise when a birth parent or adoptive parent dies without making a valid will or without naming an heir to particular property (referred to as intestacy). In these cases, State law determines who may inherit from whom. Laws in all 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands specify an adopted person's right to inherit from the estate of either adoptive or birth parents.

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## Birth Parents and Adopted Children

Generally, the court decree that finalizes the adoption ends the legal relationship between the birth parent (also referred to as the biological or natural parent in the statutes) and the adopted child. There are, however, exceptions to this policy in some States. For example:

- Alaska, Idaho, Illinois, and Maine provide for a continuation of inheritance rights if so stated in the adoption decree.
- In Kansas, Louisiana, Rhode Island, Texas, and Wyoming, an adoption decree terminates the right of the birth parent to inherit from the adopted child, but the adopted child may still inherit from the birth parent.
- Illinois allows the birth parents to acquire from the adopted child's estate any property gained from them as a gift, through a will, or under intestate laws.
- In Pennsylvania, an adopted person may inherit from the estate of a birth relative, other than a birth parent, who has maintained a familial relationship with the adopted person.
- In approximately 14 States, if a child is adopted by a stepmother or stepfather after his or her birth parent dies (as long as the deceased parent's parental rights had not been terminated prior to his or her death), the adopted child's right of inheritance from or through the deceased birth parent or any biological relative is unaffected by the adoption.<sup>1</sup>

Adoption by the spouse of a birth parent generally has no effect on the right of the adopted child to inherit from or through that birth parent. In 10 States, when a child has been adopted by a stepparent, the child may inherit from either birth parent, depending on the circumstances.<sup>2</sup>

## Adoptive Parents and Adopted Children

The adopted child is treated by law as if he or she had been born to the adopting parents upon the entry of the final adoption decree. The adopted child, therefore, gains the right

<sup>1</sup>The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current through February 2009. The States that provide for inheritance from a deceased birth parent are Alaska, Connecticut, Florida, Georgia, Idaho, Iowa, Massachusetts, Minnesota, New Jersey, North Dakota, Ohio, Oregon, Tennessee, and Wisconsin.

<sup>2</sup>Alabama, Arizona, California, Colorado, Maine, Michigan, Montana, South Dakota, Utah, and Vermont.

## Adopted Children Who Are Not Included in a Will

to inherit from the adoptive parents and adoptive parents' relatives. Adoptive parents and other adoptive relatives also gain the right to inherit from the adopted child.

Intestate law often applies to adopted children who are not specifically named in the will of the adopted parent. Usually this occurs when they are adopted after the will was made and it was never amended.

The laws in approximately 42 States address this situation.<sup>3</sup> Generally, adopted individuals are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.<sup>4</sup> For example, if a will stipulates that all children of the deceased parent are entitled to an equal share, the adopted person is included whether or not he or she is specifically named. Also, when a parent fails to provide for any of his or her children, whether by accident or if the person was adopted after the will was made, that person shall have a share of the parent's estate as if the parent had died intestate. This last rule applies unless there is evidence that the omission was intentional or that the parent provided for the adopted person outside the will.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway in cooperation with the National Center for Adoption Law and Policy. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as agency regulations, case law, and informal practices and procedures.

<sup>3</sup> The States that provide for intestate inheritance for adopted children who are omitted from a will include Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

<sup>4</sup> The term *class* refers to all those persons in the same category or level of rights, such as heirs of a deceased person who are related by the same degree.

## Alabama

### Birth Parents in Relation to Adopted Person

**Citation:** Ala. Code § 43-8-48

For purposes of intestate succession, an adopted person is the child of an adopting parent and not of the birth parents, except that adoption of a child by the spouse of a birth parent has no effect on the right of the child to inherit from or through either birth parent.

### Adoptive Parents in Relation to Adopted Person

**Citation:** Ala. Code §§ 43-8-48; 26-10A-29

For purposes of intestate succession, an adopted person is the child of an adopting parent and not of the birth parents, except that adoption of a child by the spouse of a birth parent has no effect on the right of the child to inherit from or through either birth parent.

After adoption, the adopted person shall be treated as if he or she was born to the adopting parents and shall have all rights and be subject to all of the duties arising from that relation, including the right of inheritance.

### Adopted Persons Who Are Not Included in a Will

**Citation:** Ala. Code §§ 43-8-91; 43-8-230

If a testator fails to provide in his or her will for any of his or her children adopted after the execution of the will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and devised substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfer outside the will, and it can be reasonably proven that the transfer was intended to be in lieu of a testamentary provision.

Adopted persons are included in class gift terminology and terms of relationship in accordance with rules in determining relationships for purposes of intestate succession.

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## Alaska

### Birth Parents in Relation to Adopted Person

**Citation:** Alaska Stat. §§ 25.23.130; 13.12.114

A final decree of adoption relieves the birth parents of the adopted person of all parental rights and responsibilities and terminates all legal relationships between the adopted person and the birth parents and other relatives of the adopted person, so that the adopted person thereafter is a stranger to the former relatives for all purposes including inheritance, unless the decree of adoption specifically provides for continuation of inheritance rights.

A decree terminating parental rights on the grounds set out in § 25.23.180(c)(3) [that the parent committed sexual assault or sexual abuse of a minor that resulted in the conception of the child] voids all legal relationships between the child and the birth parent for all purposes, except that inheritance rights between a child and a birth parent are not voided by the decree terminating parental rights unless the decree specifically provides for the termination of inheritance rights.

If a parent of a child dies without parental rights having been previously terminated, and a spouse of the surviving parent thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption.

An adopted person is the child of the person's adopting parent(s) and not of the person's birth parents, but adoption of a child by the spouse of either birth parent does not affect:

- The relationship between the child and that birth parent
- The right of the child or a descendant of the child to inherit from or through the other birth parent

**Adoptive Parents in Relation to Adopted Person****Citation: Alaska Stat. § 25.23.130**

A final decree of adoption creates the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance.

**Adopted Persons Who Are Not Included in a Will****Citation: Alaska Stat. §§ 13.12.705; 13.12.302**

Adopted individuals and their descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

If a testator fails to provide in his or her will for children who were adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator did not have a child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will gives all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gives property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the testator's estate as follows:
  - » The portion of the estate in which the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

Neither provision above applies if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements, is reasonably inferred from the amount of the transfer, or other evidence.

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**American Samoa****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 45.0423**

The birth parents are divested of all legal rights and obligations with respect to the child and vice versa.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 45.0423**

After the entry of a final decree of adoption, the petitioner and the adopted person sustain toward each other the legal relation of parent and child, including the rights of inheritance from each other.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

**Arizona****Birth Parents in Relation to Adopted Person****Citation: Rev. Stat. §§ 8-117; 14-2114**

The relationship of birth parent and adopted person is completely severed upon entry of the adoption decree, and all legal consequences of the relationship cease to exist, including the right of inheritance.

Adoption of a child by the spouse of either birth parent has no effect on the relationship between the child and that birth parent or on the right of the child or a descendant of the child to inherit from or through the other birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Stat. § 8-117**

The adopted person is entitled to inherit from and through the adoptive parent, and the adoptive parent is entitled to the same from the adopted person, as though the child were born to the adoptive parents.

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Stat. §§ 14-2705; 14-2302**

A person who is adopted and that person's descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with intestate succession.

If a testator fails to provide by will for a child who is adopted after the testator executes the will, the omitted child receives a share in the estate as follows:

- If the testator had no child living when the testator executed the will, an omitted child receives a share in the estate equal in value to what the child would have received if the testator had died intestate, unless the will devised all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when the testator executed the will and the will devised property or an interest in property to one or more of the then-living children, an omitted child is entitled to share in the testator's estate as follows:
  - » The portion of the testator's estate in which the omitted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The share of the testator's estate that the child would have received if the testator had included all omitted children with the children to whom devises were made under the will and had given an equal share of the estate to each child.

However, if it appears from the will that the omission was intentional or that the testator provided for the omitted child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or can be reasonably inferred from the amount of the transfer or other evidence, no share in the estate will be received.

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**Arkansas****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 9-9-215**

The adoption decree relieves the birth parents of the adopted person of all parental rights and responsibilities and terminates all legal relationships between the adopted person and his or her birth relatives, including his or her birth parents, so that the adopted person thereafter is a stranger to his or her former relatives for all purposes including inheritance.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 9-9-215**

The adoption decree creates the relationship of parent and child between the adoptive parent and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code § 28-39-407**

Whenever a child was adopted by a person after he or she has made his or her will, and the person dies leaving the adopted child not mentioned or provided for in his or her will, either specifically or as a member of a class, the person shall be deemed to have died intestate with respect to the child. The child shall be entitled to recover from the estate, in proportion to the amounts of the respective shares of other heirs, that portion of the estate which he or she would have inherited had there been no will.

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**California****Birth Parents in Relation to Adopted Person****Citation: Prob. Code §§ 6450; 6451**

A relationship of parent and child exists for the purposes of determining intestate succession by, through, or from a person between a person and the person's birth parents, regardless of the marital status of the birth parents.

An adoption severs the relationship of parent and child between an adopted person and a birth parent of the adopted person unless both of the following requirements are satisfied:

- The birth parent and the adopted person lived together at any time as parent and child, or the birth parent was married to or cohabiting with the other birth parent at the time the person was conceived and died before the person's birth.
- The adoption was by the spouse of either of the birth parents or after the death of either of the birth parents.

Neither a birth parent nor a relative of a birth parent, except for a wholeblood brother or sister of the adopted person or the issue of that brother or sister, inherits from or through the adopted person on the basis of a parent and child relationship between the adopted person and the birth parent that satisfies the requirements listed above, unless the adoption is by the spouse or surviving spouse of that parent.

A prior adoptive parent and child relationship is treated as a birth parent and child relationship.

**Adoptive Parents in Relation to Adopted Person****Citation: Prob. Code § 6450**

A relationship of parent and child exists for the purpose of determining intestate succession by, through, or from a person between an adopted person and the person's adopting parent or parents.

**Adopted Persons Who Are Not Included in a Will****Citation: Prob. Code §§ 21115; 21620**

Except as provided below, adopted persons and the issue of these persons, when appropriate to the class, are included in terms of class gift or relationship in accordance with the rules for determining relationship and inheritance rights for purposes of intestate succession.

If a decedent fails to provide in his or her will for a child who was adopted after the execution of the will, the omitted child shall receive a share in the estate equal in value to that which the child would have received if the decedent had died intestate.

## Colorado

### Birth Parents in Relation to Adopted Person

**Citation:** Rev. Stat. §§ 15-11-114(1); 15-11-119

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

- The parent's parental rights were terminated and the parent-child relationship was not judicially reestablished.
- The child died before reaching age 18 and there is clear and convincing evidence that immediately before the child's death the parental rights of the parent could have been terminated on the basis of nonsupport, abandonment, abuse, neglect, or other actions or inactions of the parent toward the child.

Except as otherwise provided below, a parent-child relationship does not exist between an adoptee and the adoptee's genetic parents. A parent-child relationship exists between a person who is adopted by the spouse of either genetic parent and:

- The genetic parent whose spouse adopted the person
- The other genetic parent, but only for the purpose of the right of the adoptee or a descendant of the adoptee to inherit from or through the other genetic parent

A parent-child relationship exists between a person who is adopted by a second parent and:

- The genetic parent who consented to the adoption
- The other genetic parent, but only for the purpose of the right of the adoptee or a descendant of the adoptee to inherit from or through the other genetic parent

A parent-child relationship exists between both genetic parents and a person who is adopted by a relative of a genetic parent or by the spouse or surviving spouse of a relative of a genetic parent, but only for the purpose of the right of the adoptee or a descendant of the adoptee to inherit from or through either genetic parent.

A parent-child relationship exists between both genetic parents and a person who is adopted after the death of both genetic parents, but only for the purpose of the adoptee or a descendant of the adoptee to inherit through either genetic parent.

### Adoptive Parents in Relation to Adopted Person

**Citation:** Rev. Stat. § 19-5-211

After the entry of a final decree of adoption, the adopted person shall be, for all intents and purposes, the child of the petitioner. He or she is entitled to all the rights and privileges and all the obligations of a child born in lawful wedlock of the petitioner.

### Adopted Persons Who Are Not Included in a Will

**Citation:** Rev. Stat. §§ 15-11-302; 15-11-705

Except as provided below, if a testator fails to provide in his or her will for any of his or her children adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will gave all or substantially all the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator has one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate that the child would have received had all omitted after-born and after-adopted children been included with the children to whom bequests were made and an equal share of the estate given to each child.



**Adopted Persons Who Are Not Included in a Will cont.****Citation: Rev. Stat. §§ 15-11-302; 15-11-705**

If it appears from the will that the omission was intentional or the testator provided for the omitted after-adopted child by transfer outside the will and the intent that the transfer be in lieu of a testamentary provision is shown by the testator's statements or is reasonably inferred from the amount of the transfer or other evidence, a share will not be received by the child.

A class gift that uses a term of relationship to identify class members includes adopted persons.

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**Connecticut****Birth Parents in Relation to Adopted Person****Citation: Gen. Stat. § 45a-731(6), (8)**

The birth parent(s) and their relatives shall have no rights of inheritance from or through the adopted person, nor shall the adopted person have any rights of inheritance from or through the birth parent(s) or their relatives.

When one of the birth parents of a minor child has died and the surviving parent has remarried subsequent to such parent's death, adoption of the child by the surviving parent's spouse shall not affect the rights of the child to inherit from or through the deceased parent and the deceased parent's relatives.

**Adoptive Parents in Relation to Adopted Person****Citation: Gen. Stat. § 45a-731(1)-(3)**

A final decree of adoption shall have the following effect:

- All rights, duties, and other legal consequences of the birth relation of child and parent thereafter exist between the adopted person and the adopting parent(s) and the relatives of such adopting parent(s). The adopted person shall be treated as if they were the birth child of the adopting parent(s).
- The adopting parent(s) and the adopted person shall have rights of inheritance from and through each other. Such rights extend to adopted relatives and the heirs of the adopted person.
- The adopted person and the birth children and other adopted children of the adopting parent(s) shall be treated as siblings, having rights of inheritance from and through each other. Such inheritance rights shall be extended to the heirs of all the children.

**Adopted Persons Who Are Not Included in a Will****Citation: Gen. Stat. § 45a-257b**

If a testator fails to provide in his or her will for any of his or her children who were adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when the will was executed, an omitted or after-adopted child receives a share in the estate equal in value to that which he or she would have received had the testator died intestate, unless the will bequeathed all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will or bequeathed property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the testator's estate as follows:
  - » Unless it appears from the will that the testator intended to make a limited provision that specifically applied only to his or her living children at the time the will was executed, the after-adopted child receives the portion of the estate that he or she would have had the testator died intestate. The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.

**Adopted Persons Who Are Not Included in a Will cont.****Citation: Gen. Stat. § 45a-257b**

- » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

If it appears that the omission was intentional or the testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision, the child shall receive no share of the estate.

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**Delaware****Birth Parents in Relation to Adopted Person****Citation: Ann Code Tit. 13, § 920; Tit. 12, § 508**

Upon the issuance of an adoption decree, the adopted child shall lose all rights of inheritance from his or her birth parents and their relatives. The rights of the birth parents or relatives to inherit from the child also shall cease. Adoption of the child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent for purposes of intestate succession.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code Tit. 13 § 920**

Upon the issuance of the adoption decree, the adopted child shall acquire the right to inherit from his or her adoptive parent(s) and their relatives, and the adoptive parent(s) and their relatives shall at the same time acquire the right to inherit from the adopted child.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code Tit. 13, § 920; Tit. 12, § 301**

The rights of a child adopted after the making of a will by the adopting parent(s), shall be the same as the rights of an after-born child, as prescribed in Title 12, § 301.

A child born after his or her parent has made a last will and testament and for which such parent made no provision, vested or contingent, specifically or as member of a class, by will or otherwise, shall take the same portion of his or her parent's estate, both real and personal, that the child would have been entitled to if such parent had died intestate unless the testator has provided in the last will and testament that the birth of any child or children subsequently shall not affect the will.

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**District of Columbia****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 16-312**

All rights and duties, including those of inheritance and succession between the adopted person and his or her birth parents and their relatives, cease upon the final adoption decree. If, however, one of the birth parents is the spouse of the adopter, the rights and relations as between adoptee, the birth parents, and their relatives, including mutual rights of inheritance and succession, are not altered.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 16-312**

A final decree of adoption establishes the relationship of parent and child between adopter and adoptee for all purposes, including mutual rights of inheritance and succession as if adoptee were born to adopter. The adoptee takes from, through, and as a representative of his adoptive parent(s) in the same manner as a child by birth, and upon the death of an adoptee intestate, his property shall pass and be distributed in the same manner as if the adoptee had been born to the adopting parent(s) in lawful wedlock.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

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**Florida****Birth Parents in Relation to Adopted Person**

**Citation:** Ann. Stat. § 63.172

A judgment of adoption relieves the birth parents of the adopted person, except a birth parent who is the petitioner or married to the petitioner, of all parental rights and responsibilities. It terminates all legal relationships between the adopted person and the adopted person's relatives, except that rights of inheritance shall be as provided in the Florida Probate Code.

If one or both parents of a child die without the relationship of parent and child having been previously terminated and a spouse of the living parent or a close relative of the child adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption. A close relative of a child is the child's brother, sister, grandparent, aunt, or uncle.

**Adoptive Parents in Relation to Adopted Person**

**Citation:** Ann. Stat. §§ 732.108; 732.302; 736.608; 736.1102

For the purpose of intestate succession by or from an adopted person, the adopted person is a descendant of the adopting parent and is one of the natural kindred of all members of the adopting parent's family. He or she is not a descendant of his or her birth parents, nor is he or she one of the kindred of any member of the birth parent's family or any prior adoptive parent's family, except that:

- Adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and the birth parent or the birth parent's family.
- Adoption of a child by a birth parent's spouse who married the birth parent after the death of the other birth parent has no effect on the relationship between the child and the family of the deceased birth parent.
- Adoption of a child by a close relative has no effect on the relationship between the child and the families of the deceased birth parents.

**Adopted Persons Who Are Not Included in a Will**

**Citation:** Ann. Stat. §§ 732.302; 732.608

When a testator omits to provide by will for any of his or her children adopted after making the will and the child has not received a part of the testator's property equivalent to a child's part by way of advancement, the child shall receive a share of the estate equal in value to that which the child would have received if the testator had died intestate, unless:

- It appears from the will that the omission was intentional.
- The testator had one or more children when the will was executed and bequeathed substantially all the estate to the other parent of the pretermitted child and that other parent survived the testator and is entitled to take under the will.

Adopted persons are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession.

**Georgia****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 19-8-19**

An adoption decree terminates all legal relationships between the adopted person and his or her birth relatives, including rights of inheritance.

If a parent of a child dies without the relationship of parent and child having been previously terminated by court order or unrevoked surrender of parental rights to the child, the child's right of inheritance from or through the deceased parent shall not be affected by the adoption.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code §§ 19-8-19; 53-1-8**

A decree of adoption creates the relationship of parent and child between the adoptive parent(s) and the adopted person. The adopted person shall enjoy every right and privilege of a birth child of the adoptive parent, including the right to inherit under the laws of descent and distribution in the absence of a will, unless expressly excluded. The adopted person shall take by inheritance from relatives of the adoptive parent and also shall inherit as a 'child' of the adoptive parent under a class gift made by the will of a third person.

The adoptive parent(s) and their relatives shall be entitled to inherit from and through the adopted individual under the laws of intestacy in the absence of a will, unless expressly excluded.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code § 53-4-48**

If the will was made prior to the adoption of a child by the testator and does not contain a provision in contemplation of such an event, the child shall receive the share of the estate he or she would have received had the testator died intestate.

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**Guam****Birth Parents in Relation to Adopted Person****Citation: Ann. Code Tit. 19, § 4214**

All the legal rights, privileges, duties, obligations, and other legal consequences between a birth parent and an adopted person cease to exist upon entry of the adoption decree, including the right of inheritance, unless it is an adoption by a stepparent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code Tit. 19, § 4214**

The adopted person shall be entitled to inherit real and personal property from and through the adoptive parent(s), and the adoptive parent(s) shall be entitled to the same from the adopted person.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

## Hawaii

### Birth Parents in Relation to Adopted Person

**Citation:** Rev. Stat. § 578-16

The former legal parent(s) of an adopted individual and any other former legal kindred shall not be considered to be related to the individual as provided in the Uniform Probate Code.

All legal duties and rights between the adopted person and his or her former legal parent(s) shall cease from the time of the adoption, unless the adopted person is adopted by the spouse of a legal parent. In such case, the rights of inheritance between the adopted person and the legal parent and the legal relatives of the parent shall continue.

### Adoptive Parents in Relation to Adopted Person

**Citation:** Rev. Stat. §§ 578-16; 560:2-114

An adopted person and his or her adopting parent(s) shall sustain towards each other the legal relationship of parent(s) and child, and shall have all the rights and duties of that relationship, including the rights of inheritance from and through each other and the adopting parents' legal kindred.

### Adopted Persons Who Are Not Included in a Will

**Citation:** Rev. Stat. §§ 578-16; 560:2-302; 560:2-705

If a testator fails to provide in his or her will for any child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will bequeathed all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to inherit under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate in which the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made and had given an equal share of the estate to each child.

If it appears from the will that the omission was intentional or the testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision, such child shall receive no share of the estate.

Adopted individuals and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

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## Idaho

### Birth Parents in Relation to Adopted Person

**Citation:** Idaho Code §§ 16-1509; 15-2-109

Unless the decree of adoption otherwise provides, the birth parents of an adopted person are relieved of all parental duties and responsibilities toward the adopted person, including the right of inheritance unless specifically provided by will.

For purposes of intestate succession, an adopted person is the child of an adopting parent and not the birth parents except that the adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent, and adoption by the spouse of a birth parent has no effect on the relationship between the child and a deceased, undivorced birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Idaho Code § 16-1508**

An adopted person and adopting parent shall sustain toward each other the legal relation of parent and child and shall have all the rights and duties of that relation, including the right to inherit.

**Adopted Persons Who Are Not Included in a Will****Citation: Idaho Code §§ 15-2-302; 15-2-611**

If a testator fails to provide in his or her will for any of his or her children adopted after the execution of his or her will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and gave substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession.

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**Illinois****Birth Parents in Relation to Adopted Person****Citation: Cons. Stat. Tit. 755, § 5/2-4(b), (d)**

The birth parent and lineal and collateral kindred of the birth parent shall take from the adopted person and the adopted person's kindred the property that the adopted person has taken from or through the birth parent or birth relatives by gift, will, or under intestate laws.

For purposes of inheritance from or through a birth parent, an adopted child is not a child of a birth parent, nor is the child a descendant of a birth parent or of any lineal or collateral kindred of a birth parent, unless one or more of the following conditions apply:

- The child is adopted by a descendant or a spouse of a descendant of a great-grandparent of the child, in which case the adopted child is a child of both birth parents.
- A birth parent of the adopted child died before the child was adopted, in which case the adopted child is a child of that deceased parent and an heir of the lineal and collateral kindred of that deceased parent.
- The contrary intent is demonstrated by the terms of the instrument by clear and convincing evidence.

**Adoptive Parents in Relation to Adopted Person****Citation: Cons. Stat. Tit. 755, § 5/2-4(a), (b)**

An adopted child is a descendant of the adopting parent for purposes of inheritance from the adopting parent and from the lineal and collateral kindred of the adopting parent and for the purpose of determining the property rights of any person under any instrument, unless the adopted child is adopted after age 18 and never resided with the adopting parent before age 18, in which case the adopted child is a child of the adopting parent but is not a descendant of the adopting parent for the purposes of inheriting from the lineal or collateral kindred of the adopting parent.

An adopting parent and the lineal and collateral kindred of the adopting parent shall inherit property from an adopted child to the exclusion of the birth parent and the lineal and collateral kindred of the birth parent in the same manner as though the adopted child were a birth child of the adopting parent.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

**Indiana****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 29-1-2-8**

For all purposes of intestate succession, an adopted child shall cease to be treated as a child of the birth parent(s) and any previous adopting parent(s). However, if a birth parent of a child marries the adopting parent, the adopted child shall inherit from the child's birth parent as though the child had not been adopted, and from the child's adoptive parent as though the child were their birth child. In addition, if a person who is related to a child within the sixth degree adopts the child, the child shall upon the occasion of each death in the child's family have the right of inheritance through the child's birth parents or adopting parents.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 29-1-2-8**

For all purposes of intestate succession, an adopted child shall be treated as a natural child of the child's adopting parent(s).

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code § 29-1-3-8**

When a testator fails to provide in his or her will for any of his or her children who were adopted after the making the will, the child shall receive a share in the estate equal in value to that which he or she would have received if the testator had died intestate, unless it appears from the will that such omission was intentional, or unless when the will was executed the testator had one or more children known to him or her to be living and bequeathed substantially all his or her estate to the spouse who survives him or her.

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**Iowa****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. § 633.223**

A lawful adoption extinguishes the right of intestate succession of an adopted person from and through the adopted person's birth parents and vice versa.

An adoption of a person by the spouse or surviving spouse of a birth parent has no effect on the relationship for inheritance purposes between the adopted person and that birth parent or birth parent's heirs. An adoption of a person by the spouse or surviving spouse of a birth parent after the death of the other birth parent has no effect on the relationship for inheritance purposes between the adopted person and the deceased birth parent's heirs.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. § 633.223**

The adopted person inherits from and through the adoptive parent(s) and vice versa.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Stat. § 633.267**

If a testator fails to provide in his or her will for any of his or her children who were adopted by the testator after the execution of his or her last will, the child shall receive a share in the estate equal in value to that which the child would have received under Iowa law if the testator had died intestate, unless it appears from the will that such omission was intentional.

**Kansas****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. § 59-2118**

Upon adoption, all the rights of birth parents to the adopted person, including their right to inherit from or through the person, shall cease. An adoption shall not terminate the right of the child to inherit from or through the birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. § 59-2118**

When adopted, a person shall be entitled to the same personal and property rights as a birth child of the adoptive parent(s).

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

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**Kentucky****Birth Parents in Relation to Adopted Person****Citation: Rev. Stat. § 199.520**

Upon granting an adoption, all legal relationships between the adopted child and the birth parents shall be terminated, except the relationship of a birth parent who is the spouse of an adoptive parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Stat. § 199.520**

Upon entry of the judgment of adoption, the child shall be deemed the child of the petitioners and shall be considered for purposes of inheritance and succession and for all other legal considerations, the birth child of the parents adopting him or her as if he or she had been born to them.

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Stat. § 394.382**

If a testator fails to provide in his or her will for any of his or her children who were adopted after the execution of his or her will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and bequeathed substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfers outside the will with the intent that the transfers be in lieu of a testamentary provision.



## Louisiana

### Birth Parents in Relation to Adopted Person

**Citation:** Ch. Code Art. 1240; 1256(C); 1218

Upon adoption, the birth parents and birth relatives of the adopted person are relieved of all of their legal duties and divested of all of their legal rights with regard to the adopted person, including the right of inheritance from the adopted person.

The right of the child to inherit from his or her birth parents and other birth relatives is unaffected by the adoption.

If the adoptive parent is married to a birth parent of the adopted child, the relationship of that birth parent and his or her blood relatives to the adopted child shall remain unaltered and unaffected by the adoption.

### Adoptive Parents in Relation to Adopted Person

This issue is not addressed in the statutes reviewed.

### Adopted Persons Who Are Not Included in a Will

This issue is not addressed in the statutes reviewed.

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## Maine

### Birth Parents in Relation to Adopted Person

**Citation:** Ann. Stat. Tit. 18-A, §§ 9-105; 2-109

An adopted person retains the right to inherit from the adopted person's birth parents if the adoption decree so provides, as specified in § 2-109. If a birth parent wishes an adopted child to inherit from the birth parents and their respective kin, the adoption decree must provide for that status.

Adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and either birth parent.

### Adoptive Parents in Relation to Adopted Person

**Citation:** Ann. Stat. Tit. 18-A, §§ 9-105; 2-109

An adopted person has all the same rights, including inheritance rights, that a child born to the adoptive parent(s) would have.

For purposes of intestate succession, an adopted person is a child of the adopting parent and not the birth parents.

### Adopted Persons Who Are Not Included in a Will

**Citation:** Ann. Stat. Tit. 18-A, §§ 2-302; 2-611

If a testator fails to provide in his or her will for any of his or her children who were adopted after the execution of his or her will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and bequeathed substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons are included in class gift terminology and terms of relationship in wills and in trust instruments in accordance with rules for determining relationships for purposes of intestate succession.

## **Maryland**

### **Birth Parents in Relation to Adopted Person**

**Citation:** Fam. Law §§ 5-341, 5-352, 5-3A-36, 5-3B-25; Est. & Trusts § 1-207

After an order of adoption has been entered, each of the adopted person's living birth parents is relieved of all parental duties and obligations to the adopted person and divested of all parental rights as to the adopted person.

Upon adoption, a child no longer shall be considered a child of either birth parent, except that upon adoption by the spouse of a birth parent, the child shall still be considered the child of that birth parent.

### **Adoptive Parents in Relation to Adopted Person**

**Citation:** Fam. Law §§ 5-341, 5-352, 5-3A-36, 5-3B-25; Est. & Trusts § 1-207

After an order for adoption has been entered, the adopted person is considered the child of the adoptive parent(s) for all intents and purposes and is entitled to all of the rights and privileges of and is subject to all of the obligations of offspring born to the adoptive parent(s). An adopted child shall be treated as a birth child of his adopting parent(s).

### **Adopted Persons Who Are Not Included in a Will**

**Citation:** Est. & Trusts § 3-301

A will may not be revoked by the subsequent adoption of a child by the testator except under the circumstances referred to in § 4-105 (3).

A child described above or the issue, if any, of such child who does not survive the testator, is entitled to a share in the estate to be determined and paid in accordance with § 3-302 and § 3-303, if:

- The will contains a legacy for a child of the testator but makes no provision for a person who becomes a child of the testator subsequent to the execution of the will.
- The child was born, adopted, or legitimated after the execution of the will.
- The child, or his or her issue, survive the testator.
- The will does not expressly state that the child, or issue, should be omitted.

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## **Massachusetts**

### **Birth Parents in Relation to Adopted Person**

**Citation:** Ann. Laws Ch. 210, § 7

Upon adoption, a person shall lose his or her right to inherit from his or her birth parents or family, except when one of the birth parents of a minor child has died and the surviving parent has remarried. The adoption of such child by the birth parent's spouse shall not affect the rights of the child to inherit from or through the deceased parent or kindred.

### **Adoptive Parents in Relation to Adopted Person**

**Citation:** Ann. Laws Ch. 210, §§ 7; 9

An adopted person shall be entitled to the same share of the adopting parent's estate as he or she would have taken if born to such parent.

If the adopted person dies intestate, his or her property shall be distributed among the persons who would have been his or her kindred as if he or she had been born to the adopting parent(s).

A person adopted in another State or country shall, upon proof of such fact, be entitled to the same rights of succession to property by intestacy as he or she would have had if he had been adopted in the Commonwealth.

### **Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

**Michigan****Birth Parents in Relation to Adopted Person****Citation: Comp. Laws §§ 710.60; 700.2114**

After entry of the adoption decree, an adopted child is no longer an heir-at-law of the birth parents or the lineal or collateral kindred of the birth parents.

For purposes of intestate succession by, through, or from an individual, an adopted individual is the child of his or her adoptive parent(s) and not of his or her birth parents. The adoption of a child by the spouse of either birth parent has no effect on either the relationship between the child and that birth parent or the right of the child or a descendant of the child to inherit from or through the other birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Comp. Laws § 710.60**

After entry of the order of adoption, there is no distinction between the rights and duties of natural progeny and adopted persons, and the adopted person becomes an heir-at-law of the adopting parent or parents and an heir-at-law of the lineal and collateral kindred of the adopting parent or parents.

**Adopted Persons Who Are Not Included in a Will****Citation: Comp. Laws §§ 700.2302; 700.2707**

If a testator fails to provide in his or her will for a child adopted after the execution of his or her will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate, unless the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the testator's estate subject to all of the following:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive a share of the estate, limited to what the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be a substitute for a testamentary provision.

An adopted individual and his or her descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules of intestate succession.

**Minnesota****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. § 259.59**

The birth parents shall be relieved of all parental responsibilities and shall not have any rights over the adopted person or the adopted person's property.

The child shall not owe the birth parents or their relatives any legal duty, nor shall the child inherit from the birth parents or their family, except that the adoption of a child by a stepparent shall not in any way change the status of the relationship between the child and the child's birth parent who is the spouse of the petitioning stepparent.

If a parent dies and a child is subsequently adopted by a stepparent who is the spouse of a surviving parent, any rights of inheritance of the child or the child's issue from or through the deceased parent of the child that existed at the time of the death of that parent shall not be affected by the adoption.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. § 259.59**

By virtue of the adoption, the adopted person shall inherit from the adoptive parent(s) or their relatives as though the adopted person were the birth child of the adoptive parent(s).

If the adopted person dies intestate, the adoptive parent(s) and their relatives shall inherit the adopted person's estate.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Stat. §§ 524.2-302; 524.2.705**

If a testator's will fails to provide for any child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when the will was executed, an omitted after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will gave all or substantially all the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when the will was executed, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the testator's estate as follows:
  - » The portion of the estate in which the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- It appears from the will that the omission was intentional.
- The testator provided for the after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

## Mississippi

### Birth Parents in Relation to Adopted Person

**Citation: Ann. Code § 93-17-13**

The birth parents and their relatives shall not inherit by or through the adopted child, except for a birth parent who is the spouse of the adopting parent.

### Adoptive Parents in Relation to Adopted Person

**Citation: Ann. Code § 93-17-13**

The adopted child shall inherit from and through the adoptive parent(s) and other children of the adoptive parent(s) by the laws of descent and distribution of the State of Mississippi, and likewise the adoptive parent(s) and their other children shall inherit from the adopted child.

### Adopted Persons Who Are Not Included in a Will

This issue is not addressed in the statutes reviewed.

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## Missouri

### Birth Parents in Relation to Adopted Person

**Citation: Ann. Stat. §§ 453.090; 474.060**

When a child is adopted, all legal relationships and all rights and duties between such child and his or her birth parents shall cease.

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person, an adopted person is the child of an adopting parent and not of the birth parents, except that adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and such birth parent.

### Adoptive Parents in Relation to Adopted Person

**Citation: Ann. Stat. §§ 453.090; 453.150**

When a child is adopted, he or she shall be capable of inheriting from his or her parent(s) by adoption as fully as though born to them. The parent(s) by adoption shall be capable of inheriting from their adopted child as fully as though such child had been born to them. The adopted child shall be capable of inheriting from or taking through his or her parent(s) by adoption property limited expressly to heirs of the body of such parent(s) by adoption.

Any person adopted by deed of adoption or agreement of adoption in writing prior to 1917 shall hereafter be deemed and held to be for every purpose the child of his or her parent(s) by adoption as fully as though born to them in lawful wedlock, and such adoption shall have the same force and effect as an adoption under the provisions of this chapter, including all inheritance rights.

### Adopted Persons Who Are Not Included in a Will

**Citation: Ann. Stat. §§ 474.240; 474.435**

If a testator fails to provide in his or her will for any child who was adopted after the execution of his or her will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate, unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and gave substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession.

## Montana

### Birth Parents in Relation to Adopted Person

**Citation:** Ann. Code §§ 72-2-124; 42-4-311

An adopted individual is the child of an adopting parent or parents and not of the birth parents. Adoption of a child by the spouse of either birth parent has no effect on:

- The relationship between the child and that birth parent
- The right of the child or a descendant of the child to inherit from or through the other birth parent

### Adoptive Parents in Relation to Adopted Person

**Citation:** Ann. Code § 72-2-124

For purposes of intestate succession, a parent-child relationship exists between an adopted person and an adopting parent.

### Adopted Persons Who Are Not Included in a Will

**Citation:** Ann. Code §§ 72-2-332; 72-2-715

If a testator fails to provide in his or her will for any child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate, unless the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, then an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate in which the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted individuals and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

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## Nebraska

### Birth Parents in Relation to Adopted Person

**Citation:** Rev. Stat. §§ 43-111; 30-2309

After an adoption decree has been entered, the birth parents of the adopted child shall be relieved of all parental duties toward and all responsibilities for such child and have no right to the adopted child's property by descent and distribution.

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person, an adopted person is the child of an adopting parent and not of the birth parents, except that adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Stat. § 30-2309**

For purposes of intestate succession, a parent-child relationship exists between an adopted person and an adopting parent.

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Stat. §§ 30-2321; 30-2349**

If a testator fails to provide in his or her will for any child who was adopted after the execution of his or her will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and gave substantially all his or her estate to the other parent of the omitted child.
- The testator provided for the child by transfer outside the will in an amount equal to or greater than such child's share had the testator died intestate.

Adopted individuals are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession.

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**Nevada****Birth Parents in Relation to Adopted Person****Citation: Rev. Stat. § 127.160**

After an adoption decree is entered, the birth parents of an adopted child shall be relieved of all parental responsibilities for such child, and they shall not exercise or have any rights over an adopted child's property. The child shall not owe his or her birth parents or their relatives any legal duty, nor shall he or she inherit from his or her birth parents or family.

The adoption of a child by his or her stepparent shall not in any way change the status of the relationship between the child and his or her birth parent who is the spouse of the petitioning stepparent.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Stat. § 127.160**

By virtue of an adoption, an adopted person shall inherit from his or her adoptive parent(s) or their relatives as though he or she were the birth child of such parent(s).

If an adopted person dies intestate, the adoptive parents and their relatives shall inherit his or her estate.

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Stat. § 133.170**

When the child of a testator or the issue of a deceased child of a testator is omitted from the testator's will, it must be presumed that the omission was intentional. Should the court find that the omission was unintentional, the child, or the issue of the deceased child, is entitled to the same share in the estate of the testator as if the testator had died intestate.

## **New Hampshire**

### **Birth Parents in Relation to Adopted Person**

**Citation: Rev. Stat. § 170-B:25**

Upon the issuance of a final decree of adoption, all reciprocal rights of inheritance between the adopted person and the adopted person's birth parents and their respective collateral or lineal relatives shall contemporaneously cease.

When the adoptive parent is a stepparent, married to a birth parent, the child's relationship to such child's birth parent shall in no way be altered by reason of the adoption.

### **Adoptive Parents in Relation to Adopted Person**

**Citation: Rev. Stat. § 170-B:25**

Upon the issuance of a final decree of adoption, all reciprocal rights of inheritance between the adopted person and the adoptive parent(s) and their respective collateral or lineal relatives shall contemporaneously begin.

### **Adopted Persons Who Are Not Included in a Will**

**Citation: Rev. Stat. §§ 170-B:25; 551:10**

The rights of a child adopted after the making of a will by the adoptive parent or parents shall be the same as the rights of an after-born child.

Every child born after the death of the testator, and every child or issue of a child of the deceased parent not named or referred to in his or her will, and who is not a devisee or legatee, shall be entitled to the same portion of the estate, real and personal, as he or she would be if the deceased parent were intestate.

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## **New Jersey**

### **Birth Parents in Relation to Adopted Person**

**Citation: Ann. Stat. §§ 9:3-50; 2A:22-3**

The entry of a judgment of adoption shall:

- Terminate all rights of inheritance under intestacy from or through the birth parent unless that parent is the spouse of the petitioner or that parent or other relative had died prior to the judgment of adoption
- Terminate all rights of inheritance under intestacy from or through the child that existed prior to the adoption

The right of the adult adopted person, and of such persons as legally represent him or her on his or her death, to take and inherit intestate personal and real property from his or her birth parents and their kindred shall not be altered by the adoption.

In all other respects, all rights, privileges, and obligations due from the birth parents to the adult adopted person and from the adopted person to them and all relations existing between such person and them shall be at an end, including the right of the birth parents and their kindred to take and inherit intestate personal and real property from and through the adopted person.

### **Adoptive Parents in Relation to Adopted Person**

**Citation: Ann. Stat. §§ 9:3-50; 2A:22-3**

The entry of a judgment of adoption shall establish the same relationships, rights, and responsibilities between the child and the adopting parent as if the child were born to the adopting parent. For purposes of intestacy, an adopted child shall have the same rights of inheritance as if born to the adopting parent.

All rights, privileges, and obligations due from the parents by adoption to the adult adopted person and vice versa shall be the same as if the adult adopted person had been born to them in lawful wedlock, including the right to take and inherit intestate personal and real property from and through each other. If the parents by adoption shall have another child or other children entitled to take and inherit from them on intestacy, such children and the adult adopted person shall, respectively, take and inherit intestate personal and real property from and through each other as if all had been children of the same parents born in lawful wedlock.



**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Stat. §§ 3B:3-48; 3B:5-9; 3B:5-16**

Adopted persons and their descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

If a testator fails to provide in his or her will for any of child who was adopted after the execution of his or her will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate unless the will gave all or substantially all of the estate to the other parent of the omitted child, and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

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**New Mexico****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. § 45-2-114**

For purposes of intestate succession by, through, or from a person, an adopted individual is not the child of his or her birth parents.

Adoption of a child by the spouse of either birth parent has no effect on the relationship between the child and that birth parent or the right of the child or a descendant of the child to inherit from or through that birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. §§ 32A-5-37; 45-2-114**

The adopted person and adopting parent(s) shall have all rights and be subject to all of the duties of the parent-child relationship upon adoption, including the right of inheritance from and through each other. For purposes of intestate succession, an adopted individual is the child of his or her adopting parent(s).

### Adopted Persons Who Are Not Included in a Will

**Citation: Ann. Stat. §§ 45-2-302; 45-2-705**

If a testator fails to provide in his or her will for child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate, unless the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the testator's estate as follows:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- If it appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted individuals and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

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## New York

### Birth Parents in Relation to Adopted Person

**Citation: Dom. Rel. Law § 117**

After the making of an order of adoption, the birth parents of the adoptive child shall be relieved of all parental duties toward and of all responsibilities for and shall have no rights over such adoptive child or to his or her property by descent or succession. The right of an adopted child to inheritance and succession from and through his or her birth parents shall terminate.

When a birth or adoptive parent, having lawful custody of a child, marries or remarries and consents that the stepparent may adopt the child, such consent shall not relieve the parent so consenting of any parental duty toward the child, nor shall consent or the order of adoption affect the rights of the consenting spouse and the adoptive child to inherit from and through each other and the birth and adopted kindred of the consenting spouse.

Notwithstanding the above, and as to estates of persons dying after August 31, 1987, if the decedent is the adoptive child's birth grandparent or is a descendant of such grandparent, and an adoptive parent is married to the child's birth parent, is the child's birth grandparent, or is descended from such grandparent, then the rights of an adoptive child to inheritance and succession from and through either birth parent shall not terminate upon the making of the order of adoption. However, an adoptive child who is related to the decedent both by birth relationship and by adoption shall be entitled to inherit only under the birth relationship unless the decedent also is the adoptive parent, in which case the adoptive child shall then be entitled to inherit pursuant to the adoptive relationship only.

**Adoptive Parents in Relation to Adopted Person****Citation: Dom. Rel. Law § 117**

The adoptive parent(s) and the adopted child shall sustain toward each other the legal relation of parent and child and shall have all the rights and be subject to all the duties of that relation, including the rights of inheritance from and through each other.

**Adopted Persons Who Are Not Included in a Will****Citation: Est. Pow. & Trst. Law § 2-1.3**

Unless the creator of a will expresses a contrary intention, a disposition of property to persons described in any instrument as the issue, children, descendants, heirs, heirs-at-law, next-of-kin, distributees (or by any term of like import) of the creator or of another, includes adopted children and their issue in their adoptive relationship. The rights of adopted children and their issue to receive a disposition under wills and lifetime instruments as a member of such class of persons based upon their birth relationship shall be governed by the provisions of § 117(2) of the domestic relations law.

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**North Carolina****Birth Parents in Relation to Adopted Person****Citation: Gen. Stat. § 48-1-106**

After the entry of a decree of adoption, the birth parents or previous adopted parents are relieved of all legal duties and obligations due from them to the adopted person and are divested of all rights with respect to the adopted person.

However, neither an adoption by a stepparent nor a readoption pursuant to § 48-6-102 has any effect on the relationship between the child and the parent who is the stepparent's spouse.

**Adoptive Parents in Relation to Adopted Person****Citation: Gen. Stat. § 48-1-106**

From the date of the signing of the decree, the adopted person is entitled to inherit real and personal property by, through, and from the adoptive parent(s) in accordance with the statutes on intestate succession.

When spouses have petitioned jointly to adopt and one spouse dies before entry of a final decree, the adoption may nevertheless proceed in the names of both spouses. The name of the deceased spouse shall be entered as one of the adoptive parents on the new birth certificate prepared pursuant to Article 9 of this Chapter, and for purposes of inheritance, testate or intestate, the adoptee shall be treated as a child of the deceased.

**Adopted Persons Who Are Not Included in a Will****Citation: Gen. Stat. § 31-5.5**

A will shall not be revoked by the subsequent adoption of a child by the testator, but any after-adopted child shall have the right to share in the testator's estate to the same extent he or she would have shared if the testator had died intestate unless:

- The testator made some provision in the will for the child, whether adequate or not.
- It is apparent from the will itself that the testator intentionally did not make specific provision therein for the child.
- The testator had children living when the will was executed, and none of the testator's children actually take under the will.
- The surviving spouse receives all of the estate under the will.
- The testator made provision for the child that takes effect upon the death of the testator, whether adequate or not.

**North Dakota****Birth Parents in Relation to Adopted Person****Citation: Cent. Code § 14-15-14**

Except with respect to the spouse of a petitioner or relatives of the spouse, a final decree of adoption terminates all legal relationships between the adopted person and the person's birth relatives, including the birth parents, so that the adopted person thereafter is a stranger to his or her former relatives for all purposes, including inheritance. If a parent of a child dies without the relationship of parent and child having been previously terminated, and a spouse of the surviving parent thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption.

**Adoptive Parents in Relation to Adopted Person****Citation: Cent. Code § 14-15-14**

A final decree of adoption creates the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes including inheritance.

**Adopted Persons Who Are Not Included in a Will****Citation: Cent. Code §§ 30.1-06-02 (2-302); 30.1-09.1-05 (2-705)**

If a testator fails to provide in his or her will for any child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to that which the child would have received had the testator died intestate, unless the will gave all or substantially all the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequest were made under the will and had given an equal share of the estate to each child.

None of the above applies if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted individuals, individuals born out of wedlock, and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

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**Northern Mariana Islands****Birth Parents in Relation to Adopted Person****Citation: Commonwealth Code Tit. 8, § 1412**

Upon the final decree of adoption, the right of the adopted person to inherit from the birth parents ceases.

**Adoptive Parents in Relation to Adopted Person****Citation: Commonwealth Code Tit. 8, § 1412**

The adopted person gains the right of inheritance from the adoptive parent(s) upon final decree to create the relationship of parent and child, as if the adopted person were the birth relative of the adoptive parent(s).

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

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**Ohio****Birth Parents in Relation to Adopted Person**

**Citation: Rev. Code § 3107.15**

Except with respect to the spouse of the petitioner and relatives of the spouse, the final adoption decree terminates all legal relationships between the adopted person and the adopted person's birth parents or other legal parents and relatives, for all purposes including inheritance.

If a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's rights from or through the deceased parent for all purposes, including inheritance, are not restricted or curtailed by the adoption.

**Adoptive Parents in Relation to Adopted Person**

**Citation: Rev. Code § 3107.15**

The adoption decree creates the relationship of parent and child between the petitioner and the adopted person, as if the adopted person were a birth descendant of the petitioner, for all purposes including inheritance. A person who is age 18 or older at the time the person is adopted, and the adopted person's lineal descendants, are not included as recipients of gifts, devises, bequests, or other transfers of property for purposes of inheritance, unless the document or instrument expressly includes the adopted person by name or expressly states that it includes a person who is age 18 or older at the time the person is adopted.

**Adopted Persons Who Are Not Included in a Will**

**Citation: Rev. Code § 2107.34**

If, after making a last will and testament, a testator adopts a child and no provision has been made in such will or by settlement for such pretermitted child or heir, or for the issue thereof, the will shall not be revoked. Unless it appears by such will that it was the intention of the testator to disinherit such pretermitted child or heir, the bequests and legacies granted by such will, except those to a surviving spouse, shall be abated proportionately, or in such other manner as is necessary to give effect to the intention of the testator as shown by the will, so that such pretermitted child or heir will receive a share equal to that which such person would have been entitled to receive out of the estate if such testator had died intestate with no surviving spouse, owning only that portion of the testator's estate not bequeathed to or for the use and benefit of a surviving spouse. If such child or heir dies prior to the death of the testator, the issue of such deceased child or heir shall receive the share the parent would have received if living.

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**Oklahoma****Birth Parents in Relation to Adopted Person**

**Citation: Ann. Stat. Tit. 10, § 7505-6.5**

After a final decree of adoption, the birth parents of the adopted child, unless they are the adoptive parent(s) or the spouse of an adoptive parent, shall be relieved of all parental responsibilities for said child and shall have no rights over the adopted child or to the property of the child by descent and distribution.

**Adoptive Parents in Relation to Adopted Person**

**Citation: Ann. Stat. Tit. 10, § 7505-6.5**

From the date of the final decree of adoption, the child shall be entitled to inherit real and personal property from and through the adoptive parent(s) in accordance with the statutes of descent and distribution. The adoptive parent(s) shall likewise be entitled to inherit real and personal property from and through the child.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Stat. Tit. 84, § 132**

When any testator omits to provide in his or her will for any of his or her children, or for the issue of any deceased child, unless it appears that such omission was intentional, such child, or the issue of such child, must have the same share in the estate of the testator as if he had died intestate.

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**Oregon****Birth Parents in Relation to Adopted Person****Citation: Rev. Stat. § 112.175**

An adopted person shall cease to be treated as the child of the person's birth parents for all purposes of intestate succession, except:

- If a birth parent of a person marries or remarries and the person is adopted by the stepparent, the adopted person also shall continue to be treated, for all purposes of intestate succession, as the child of the birth parent who is the spouse of the adoptive parent.
- If a birth parent of a person dies, the other birth parent remarries and the person is adopted by the stepparent, the adopted person also shall continue to be treated, for all purposes of intestate succession by any person through the deceased birth parent, as the child of the deceased birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Stat. §§ 112.175; 112.185**

An adopted person and the adoptive parent(s) and their relatives shall take by intestate succession from each other as though the adopted person were the birth child of the adoptive parent(s).

For all purposes of intestate succession, a person who has been adopted more than once shall be treated as the child of the parents who have most recently adopted the person and, except as otherwise provided in this section, shall cease to be treated as the child of the previous adoptive parent(s).

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Stat. §§ 112.405; 112.195**

A 'pretermitted child' means a child of a testator who is adopted after the execution of the will of the testator, who is neither provided for in the will nor in any way mentioned in the will and who survives the testator.

If a testator has one or more children living when he or she executes a will and no provision is made in the will for any such child, a pretermitted child shall not take a share of the estate. If a testator has one or more children living when he or she executes a will and provision is made in the will for one or more of such living children, a pretermitted child is entitled to share in the estate as follows:

- The pretermitted child may share only in the portion of the estate bequeathed to the living children by the will.
- The share of each pretermitted child shall be the total value of the portion of the estate given to the living children, divided by the number of pretermitted children plus the number of living children for whom provision is made in the will.

If a testator has no child living when he or she executes a will, a pretermitted child shall take a share of the estate as though the testator had died intestate.

All references in a will to an individual or member of a class described generically by terms such as children, issue, grandchildren, descendants, heirs, next-of-kin, grandparents, brothers, nephews, or other relatives shall include any person who would be treated as related for all purposes of intestate succession, except that an adopted person so included must have been adopted as a minor or after having been a member of the household of the adoptive parent while a minor.

**Pennsylvania****Birth Parents in Relation to Adopted Person****Citation: Cons. Stat. Tit. 20, (§§ 2108; 2514**

An adopted person shall not be considered as continuing to be the child of his or her birth parents except in distributing the estate of a birth kin, other than the birth parent, who has maintained a family relationship with the adopted person. If a birth parent shall have married the adopting parent, the adopted person for purposes of inheritance by, from and through him also shall be considered the issue of such birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Cons. Stat. Tit. 20, §§ 2108; 2514**

For purposes of inheritance by, from, and through an adopted person, he or she shall be considered the issue of his or her adopting parent or parents.

**Adopted Persons Who Are Not Included in a Will****Citation: Cons. Stat. Tit. 20, § 2507**

If the testator fails to provide in his or her will for a child who was adopted after he or she made his or her will, unless it appears from the will that the failure was intentional, such child shall receive out of the estate such share as he or she would have received if the testator had died unmarried and intestate, except for the portion of the estate that is passed to a surviving spouse.

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**Puerto Rico****Birth Parents in Relation to Adopted Person****Citation: Ann. Laws Tit. 31, §§ 538; 539**

Adoption by final and binding decree shall extinguish any legal nexus between the adopted person and his or her former birth or adoptive family. The adoptee shall retain all rights acquired prior to the date of issue of the adoption decree under his or her former ties as member of his or her former family.

The legal nexus of the adopted person with his or her former paternal or maternal family shall continue when the adopted person is the child of the spouse of the adopter, even though the father or mother may have died by the date on which the adoption petition is filed, or when the adopted person is the issue of a single filiation and is adopted by a person of a different sex than that of the parent who has acknowledged him or her as his or her child.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Laws Tit. 31, § 538**

Once the adoption has been decreed, the adopted person shall be deemed for all legal purposes as the child of the adopter, with all the rights, duties, and obligations corresponding to it, by law.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

**Rhode Island****Birth Parents in Relation to Adopted Person****Citation: Gen. Laws § 15-7-17**

The birth parents of the adopted child shall be deprived of all legal rights respecting the child, and the child shall be freed from all obligations of maintenance and obedience respecting his or her birth parents, except it will not deprive an adopted child of the right to inherit from and through his or her birth parents in the same manner as other birth children, provided that the decree of adoption shall in no way affect all legal rights of a birth parent respecting the child and all obligations of the child of maintenance and obedience respecting the birth parent if the birth parent is legally married to the adopting parent at the time of the decree.

**Adoptive Parents in Relation to Adopted Person****Citation: Gen. Laws § 15-7-16**

A child lawfully adopted shall be deemed the child of the adoptive parent(s) for the purpose of inheritance by the child and his or her descendants from the parent(s), and by the adoptive parent(s) and their lineal and collateral relatives from the child.

When an adopted child is related by blood to the parent or parents by adoption, he or she and his or her descendants shall be entitled to inherit from and through the parent or parents only as an adopted child or descendants of an adopted child and not by virtue of the blood relationship.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

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**South Carolina****Birth Parents in Relation to Adopted Person****Citation: Ann. Code §§ 63-9-760; 62-2-109**

After a final decree of adoption is entered, the birth parents of the adopted person are relieved of all parental responsibilities and have no rights over the adopted person.

The adoption of a child by an adoptive parent does not in any way change the legal relationship between the child and either birth parent of the child whose parental responsibilities and rights are not expressly affected by the final decree.

For purposes of intestate succession by, through, or from a person, an adopted person is the child of the adopting parent and not the birth parent, except that adoption of a child by the spouse of the birth parent has no effect on the relationship between the child and that birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code §§ 63-9-760; 62-2-109**

After the final decree of adoption is entered, the relationship of parent and child and all the rights, duties, and other legal consequences of the relationship of parent and child exist between the adopted person, the adoptive parent(s), and the kindred of the adoptive parent(s).

For purposes of intestate succession by, through, or from a person, an adopted person is the child of the adopting parent(s) and not the birth parent(s).



**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code §§ 62-2-302; 62-2-609**

If a testator fails to provide in his or her will for any child who was adopted after the execution of the will, the omitted child receives a share in the estate equal in value to that which he or she would have received if the testator had died intestate unless:

- It appears from the will that the omission was intentional.
- When the will was executed, the testator had one or more children and gave substantially all his or her estate to his or her spouse.
- The testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons are included in class gift terminology and terms of relationship in accordance with rules for determining relationships for purposes of intestate succession.

**South Dakota****Birth Parents in Relation to Adopted Person****Citation: Ann. Laws § 29A-2-114**

For purposes of intestate succession, an adopted person is no longer considered the child of that person's birth parents, except that:

- Adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and the birth parent whose spouse has adopted the child or the right of the child or a descendant of the child to inherit from or through the other birth parent.
- Adoption of a child by a birth grandparent or a descendant of a birth grandparent has no effect on the right of the child or a descendant of the child to inherit from or through either birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Laws § 29A-2-114**

For purposes of intestate succession, an adopted individual is the child of that individual's adopting parent or parents.

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Laws §§ 29A-2-302; 29A-2-705**

A child who is adopted by the testator after the execution of his or her will, who is neither mentioned nor provided for in the will, is entitled to receive a share in the estate as follows:

- If the testator had no child living when the will was executed, the omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate, unless the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when the will was executed, and the will gave property or an interest in property to one or more of the then-living children:
  - » The portion of the estate that the omitted after-adopted child is entitled to share is limited to the bequests made to the testator's then-living children.
  - » The omitted after-adopted child is entitled to receive the portion of the property or interest in property that the child would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made and had given each child an equal share of the bequests.

Despite the above provisions, an omitted after-adopted child may not receive a share in the estate if the testator provided for the child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision. Adopted individuals and their respective descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

**Tennessee****Birth Parents in Relation to Adopted Person****Citation: Ann. Code §§ 36-1-121; 31-2-105**

An adopted child shall not inherit real or personal property from his or her birth parents or their relatives when the relationship between them has been terminated by final order of adoption, nor shall the birth parents or their relatives inherit from the adopted child. However, if a parent of a child dies without the relationship of parent and child having been previously terminated, and any other person thereafter adopts the child, the child's right of inheritance from or through the deceased birth parent or any relative thereof shall be unaffected by the adoption.

For purposes of intestate succession by, through, or from a person, an adopted person is the child of an adopting parent and not of the birth parents except that adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 36-1-121**

The adopted child and the child's descendants shall be capable of inheriting and otherwise receiving title to real and personal property from the adoptive parents and their descendants.

The adoptive parents and their family shall have a right of inheritance but only as to property of the adopted child acquired after the child's adoption.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.

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**Texas****Birth Parents in Relation to Adopted Person****Citation: Prob. Code § 40; Fam. Code § 162.507**

The birth parents of an adopted child shall not inherit from or through said child, but said child shall inherit from and through his or her birth parents.

A person who was adopted as an adult may not inherit from or through the adult's birth parent, nor may the birth parent inherit from or through the adopted adult.

**Adoptive Parents in Relation to Adopted Person****Citation: Prob. Code § 40; Fam. Code §§ 162.507; 162.017**

An adopted child may, under the laws of descent and distribution, inherit from and through the adopting parents and their relatives, and the adopting parents and their family may inherit from and through such adopted child.

**Adopted Persons Who Are Not Included in a Will****Citation: Fam. Code § 67**

A 'pretermitted child' means a child of a testator who, during the lifetime of the testator, or after his or her death, is born or adopted after the execution of the will of the testator.

Whenever a pretermitted child is not mentioned or provided for in the testator's will or otherwise provided for by the testator, the pretermitted child shall succeed to a portion of the testator's estate as provided below:

- If the testator has one or more children living when he or she executes his or her last will, and:
  - » No provision is made for any such child, a pretermitted child receives the portion of the estate to which he or she would have been entitled had the testator died intestate without a surviving spouse, owning only that portion of the estate not bequeathed to the parent of the pretermitted child.
  - » Provision is made for one or more of such children, a pretermitted child is entitled to share in the testator's estate as follows:
    - The portion of the estate to which the pretermitted child is entitled is limited to the disposition made to children under the will.
    - The pretermitted child shall receive such share of the estate, as limited above, as he or she would have received had the testator included all pretermitted children with the children who were included in the will, and given an equal share of such benefits to each such child.
- If the testator has no child living when he executes his or her last will, the pretermitted child receives the portion of the estate to which he or she would have been entitled had the testator died intestate without a surviving spouse, owning only that portion of the estate not bequeathed to the parent of the pretermitted child.

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**Utah****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 75-2-114**

For purposes of intestate succession by, through, or from a person, an adopted individual is not the child of the birth parents. However, adoption of a child by the spouse of either birth parent has no effect on:

- The relationship between the child and that birth parent
- The right of the child or a descendant of the child to inherit from or through the other birth parent

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 75-2-114**

For purposes of intestate succession by, through, or from a person, an adopted individual is the child of the adopting parent(s).

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code §§ 75-2-302; 75-2-705**

If a testator fails to provide in his or her will for any child who was adopted after the execution of the will, the omitted after-adopted child receives a share in the estate as follows:

- If the testator had no child living when he or she executed the will, an omitted after-adopted child receives a share in the estate equal in value to what the child would have received had the testator died intestate, unless the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.
- If the testator had one or more children living when he or she executed the will, and the will gave property or an interest in property to one or more of the then-living children, an omitted after-adopted child is entitled to share in the estate as follows:
  - » The portion of the estate in which the omitted after-adopted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
  - » The omitted after-adopted child is entitled to receive the share of the estate, as limited above, that he or she would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made under the will and had given an equal share of the estate to each child.

The above does not apply if:

- It appears from the will that the omission was intentional.
- The testator provided for the omitted after-adopted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

Adopted persons and their descendants, if appropriate to the class, are included in class gifts and other terms of relationship in accordance with the rules for intestate succession.

**Vermont****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. Tit. 15A, §§ 1-105 4-102**

All parental rights and duties of the former parent of the adopted person terminate, including the right of inheritance and intestate succession from or through the adopted person, upon final decree of adoption. The child's right to inherit through intestacy from or through the former parents and their kindred also terminates.

An adoption by a stepparent does not affect:

- The legal relationship between the adopted person and his or her parent who is the adoptive stepparent's spouse or deceased spouse
- The right of the adopted person or his or her descendant to inheritance or intestate succession through or from the adoptee's former parent

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. Tit. 15A, § 1-104**

The adoptive parent(s) and the adopted person have the legal relation of parent and child and have all the rights and duties of that relationship, including the right of inheritance and succession from or through each other and the kindred of the adoptive parent(s).

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Stat. Tit. 14, § 556**

When a testator omits to provide in his or her will for any of his or her children, or for the issue of a deceased child, and it appears that such omission was made by mistake or accident, such child or its issue shall have the same share of the estate of the testator as if he or she had died intestate, to be assigned as in case of intestate estates.

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## Virgin Islands

### Birth Parents in Relation to Adopted Person

**Citation: Ann. Code Tit. 16, § 146**

The birth parents of an adopted child are deprived by a decree of adoption of all legal rights with respect to the child, and the child is freed from all obligations of maintenance and obedience with respect to his or her birth parents.

### Adoptive Parents in Relation to Adopted Person

**Citation: Ann. Code Tit. 16, § 146**

An adopted child is deemed, for the purpose of inheritance, the child of the parent(s) by adoption, except that he or she is prohibited from taking property expressly limited to heirs of the body of the adoptive parent(s) or property from the lineal or collateral kindred of such parent(s) by right of representation.

### Adopted Persons Who Are Not Included in a Will

This issue is not addressed in the statutes reviewed.

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## Virginia

### Birth Parents in Relation to Adopted Person

**Citation: Ann. Code § 64.1-5.1**

For the purpose of determining rights to property or to determine succession by, through, or from a person, an adopted person is not the child of the birth parents, except that adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and either birth parent.

### Adoptive Parents in Relation to Adopted Person

**Citation: Ann. Code § 64.1-5.1**

For the purpose of determining rights to property or to determine succession by, through, or from a person, an adopted person is the child of the adopting parent(s).

### Adopted Persons Who Are Not Included in a Will

**Citation: Ann. Code §§ 64.1-71; 64.1-71.1**

If a will is made when a testator has a child living, and that child is provided for in the will, and another child is adopted afterwards, such after-adopted child, if not provided for by any settlement and neither provided for nor expressly excluded by the will, but is only pretermitted, shall succeed to the lesser of (a) such portion of the testator's estate as he or she would have been entitled to if the testator had died intestate or (b) the equivalent in amount to any bequests to any child named in the will.

If an after-born or after-adopted child dies while he or she is under age 18, unmarried, and without issue, his or her portion of the estate, or so much thereof as may remain unexpended, shall revert to the person to whom it was given by the will.

In the interpretation of wills and trusts, adopted persons are included in class gift terminology or terms of relationship in accordance with rules for determining relationships for purposes of intestate succession, unless a contrary intent is apparent in the will or trust.

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## Washington

### Birth Parents in Relation to Adopted Person

**Citation: Rev. Code § 11.04.085**

A lawfully adopted child shall not be considered an heir of his or her natural parents.

**Adoptive Parents in Relation to Adopted Person****Citation: Rev. Code §§ 26.33.260; 11.02.005**

An adopted person shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent(s), entitled to all rights and privileges, including the right of inheritance.

When the term is used in probate and trust law, unless otherwise required from the context, 'issue' means all the lineal descendants of an individual. An adopted individual is a lineal descendant of each of his or her adoptive parents and of all individuals with regard to which each adoptive parent is a lineal descendant.

**Adopted Persons Who Are Not Included in a Will****Citation: Rev. Code §§ 11.04.035; 11.12.091**

Kindred of the half blood shall inherit the same share that they would have inherited if they had been of the whole blood, unless the inheritance comes to the intestate by descent, devise, or gift from one of his or her ancestors or kindred of such ancestor's blood, in which case all those who are not of the blood of such ancestors shall be excluded from such inheritance. The words 'kindred of such ancestor's blood' and 'blood of such ancestors' shall be construed to include any child lawfully adopted by one who is in fact of the blood of such ancestors.

If the will of a deceased parent fails to name or provide for his or her child who was adopted after the will's execution and who survives the parent, referred to here as an 'omitted child,' the child must receive an amount equal in value to that which the child would have received if the decedent had died intestate, unless the court determines on the basis of clear and convincing evidence that a smaller share, including no share at all, is more in keeping with the decedent's intent.

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**West Virginia****Birth Parents in Relation to Adopted Person****Citation: Ann. Code § 48-22-703**

Upon the entry of the final adoption decree, the birth parents shall be divested of all legal rights, including the right of inheritance from or through the adopted child.

Such child shall not inherit from any person entitled to parental rights prior to the adoption or their kindred, except that a child legally adopted by a husband or wife of a person entitled to parental rights prior to the adoption shall inherit from such person as well as from the adopting parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Code § 48-22-703**

From and after the entry of the order of adoption, a legally adopted child shall inherit from and through the parent(s) by adoption and their kindred.

If the adopted person dies intestate, all property, including real and personal, of such adopted person shall pass to the adopting parent(s).

**Adopted Persons Who Are Not Included in a Will****Citation: Ann. Code § 41-4-1**

If any person dies leaving a child, and his or her will was made when he or she had no child living, and any child he or she might have is not provided for or mentioned, such child, or any descendant of the child, shall inherit such portion of the testator's estate as he or she would have been entitled to if the testator had died intestate.

## Wisconsin

### Birth Parents in Relation to Adopted Person

#### Citation: Ann. Stat. § 854.20

A legally adopted person ceases to be treated as a child of the person's birth parents for the purposes of intestate succession, except:

- If the parent-child relationship between the child and one birth parent is replaced by adoption, but the relationship to the other birth parent is not replaced, then for all purposes the child continues to be treated as the child of the birth parent whose relationship was not replaced.
- If a birth parent of a marital child dies and the other birth parent remarries and the child is adopted by the stepparent, the child is treated as the child of the deceased birth parent for purposes of intestate succession. However, it does not apply if the parental rights of the deceased birth parent had been terminated.

### Adoptive Parents in Relation to Adopted Person

#### Citation: Ann. Stat. § 854.20

A legally adopted person is treated as a birth child of the person's adoptive parents for purposes of intestate succession by, through, and from the adopted person. This only applies if one of the following apply:

- The deceased person is the adoptive parent or adopted child.
- The adopted person was a minor at the time of adoption.
- The adoptive parent raised the adopted person in a parent-like relationship beginning on or before the child's 15th birthday and lasting for a substantial period or until adulthood.

### Adopted Persons Who Are Not Included in a Will

#### Citation: Ann. Stat. §§ 853.25; 854.21

If a will fails to provide for a child the testator adopted after execution of the will, the child is entitled to a share of the estate unless any of the following applies:

- It appears from the will or from other evidence that the omission was intentional.
- The testator provided for the omitted child by transfer outside the will with the intent that the transfer be in lieu of a testamentary provision.

If a will fails to provide for a child who was adopted after the execution of the will, and the testator had no child living when he or she executed the will, the omitted child receives a share in the estate equal in value to that which the child would have received under intestate succession. This paragraph does not apply if the will gave all or substantially all of the estate to the other parent of the omitted child and that other parent survives the testator and is entitled to take under the will.

### Adopted Persons Who Are Not Included in a Will continued

#### Citation: Ann. Stat. §§ 853.25; 854.21

If a will fails to provide for a child who was adopted after the execution of the will, the testator had one or more children living when he or she executed the will, and the will gave property to one or more of the then-living children, the omitted child is entitled to share in the testator's estate as follows:

- The portion that the omitted child is entitled to share is limited to bequests made to the testator's then-living children under the will.
- The omitted child is entitled to receive the share of estate that he or she would have received had the testator included all omitted after-born and after-adopted children with the children to whom bequests were made and had given an equal share of the estate to each child.

A gift of property to a class of persons described as 'issue,' 'children,' 'descendants,' 'heirs,' 'next of kin,' or the like includes a person adopted by a person whose birth child would be a member of the class.

**Wyoming****Birth Parents in Relation to Adopted Person****Citation: Ann. Stat. § 2-4-107**

An adopted person is the child of an adopting parent and of the birth parents for inheritance purposes only. The adoption of a child by the spouse of a birth parent has no effect on the relationship between the child and that birth parent.

**Adoptive Parents in Relation to Adopted Person****Citation: Ann. Stat. § 2-4-107**

An adopted person is the child of an adopting parent and of both the natural parents for inheritance purposes only.

An adopted person shall inherit from all other relatives of an adoptive parent as though he or she was a child who was born to the adoptive parent, and the relatives shall inherit from the adoptive person's estate as if they were his or her relatives.

**Adopted Persons Who Are Not Included in a Will**

This issue is not addressed in the statutes reviewed.