

Regular Session, 2014

HOUSE BILL NO. 573

BY REPRESENTATIVE THOMPSON

SUCCESSION/FORCED HEIRS: Provides relative to forced heirs

1 AN ACT

2 To amend and reenact Civil Code Article 1493(E), relative to forced heirs; to provide for
3 definitions; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 1493(E) is hereby amended and reenacted to read as
6 follows:

7 Art. 1493. Forced heirs; representation of forced heirs

8 * * *

9 E. For purposes of this Article "permanently incapable of taking care of their
10 persons or administering their estates at the time of the death of the decedent" shall
11 include descendants who, at the time of death of the decedent, have, according to
12 medical documentation, an inherited, incurable disease or condition that ~~may render~~
13 will, more probably than not, render them incapable of caring for their persons or
14 administering their estates in the future.

DIGEST

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Thompson

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Abstract: Changes the criteria of "permanently incapable of taking care of their persons" for the purposes of forced heirship from having a condition that may render the descendent incapable to having a condition that will, more probably than not, render him incapable.

Present law provides that forced heirs included descendants of the first degree who are 23 years of age or younger at the time of the decedent's death and descendants of the first degree of any age who are permanently incapable of taking care of their persons because of a mental incapacity or physical infirmity. Present law further defines a descendant who is "permanently incapable of taking care of their persons or administering their estates at the time of the death of the decedent" as one who has an inherited, incurable disease or condition that may render them incapable of caring for their person or administering their estate in the future.

Proposed law retains present law but changes the criteria of permanently incapable from a condition that may render the descendent incapable to one that will, more probably than not, render him incapable.

(Amends C.C. Art. 1493(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Changed criteria of being permanently incapable from having a condition that has permanently rendered them incapable of caring for themselves to a condition that will, more probably than not, render them incapable.