

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 707  
Second Edition Engrossed 5/11/95  
House Committee Substitute Favorable 5/29/95

Short Title: Share of After-Born/Adopted Children.

(Public)

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Sponsors:

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Referred to:

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April 13, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE LAW RELATING TO THE SHARE OF AFTER-BORN  
3 OR AFTER-ADOPTED CHILDREN, AS RECOMMENDED BY THE GENERAL  
4 STATUTES COMMISSION.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 31-5.5(a) reads as rewritten:

7 "(a) A will shall not be revoked by the subsequent birth of a child to the testator, or  
8 by the subsequent adoption of a child by the testator, or by the subsequent entitlement of  
9 an after-born illegitimate child to take as an heir of the testator pursuant to the provisions  
10 of G.S. 29-19(b), but any after-born, after-adopted or entitled after-born illegitimate child  
11 shall have the right to share in the testator's estate to the same extent he would have  
12 shared if the testator had died intestate unless:

13 (1) The testator made some provision in the will for the child, whether  
14 adequate or ~~not, or not~~;

15 (2) It is apparent from the will itself that the testator intentionally did not  
16 make specific provision therein for the ~~child-child~~;

17 (3) The testator had children living when the will was executed, and none of  
18 the testator's children actually take under the will;

- 1           (4)    The surviving spouse receives all of the estate under the will;  
2           (5)    The testator made provision for the child that takes effect upon the death  
3                of the testator, whether adequate or not."  
4            Sec. 2. This act becomes effective October 1, 1995, and applies to estates of  
5    decedents dying on or after that date.