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SENATE BILL 499

**46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO PROBATE; CLARIFYING PARENT AND CHILD RELATIONSHIP  
INTESTATE INHERITANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 45-2-114 NMSA 1978 (being Laws 1993,  
Chapter 174, Section 16) is amended to read:

"45-2-114. PARENT AND CHILD RELATIONSHIP.--

A. Except as provided in Subsections B and C of  
this section, for purposes of intestate succession by, through  
or from a person, an individual is the child of his natural  
parents, regardless of their marital status. The parent and  
child relationship may be established under the Uniform  
Parentage Act.

B. An adopted individual is the child of his  
adopting parent or parents and not of his natural parents, but

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 adoption of a child by the spouse of either natural parent has  
2 no effect on:

3 (1) the relationship between the child and  
4 that natural parent; or

5 (2) the right of the child or a descendant of  
6 the child to inherit from or through [~~the other~~] that  
7 nonsevered natural parent.

8 C. Inheritance from or through a child by either  
9 natural parent or his kindred is precluded unless that natural  
10 parent has openly treated the child as his and has not refused  
11 to support the child."

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