

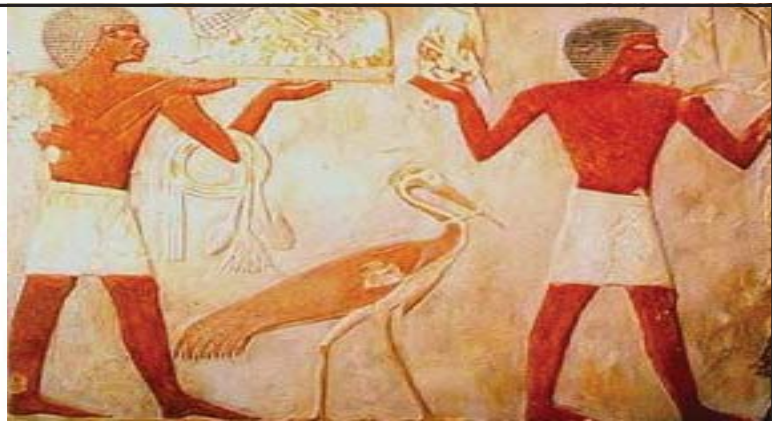


# *HEIRSHIP DETERMINATION*

**Hon. Guy Herman**  
Judge  
Travis County Probate Court  
Austin, Texas



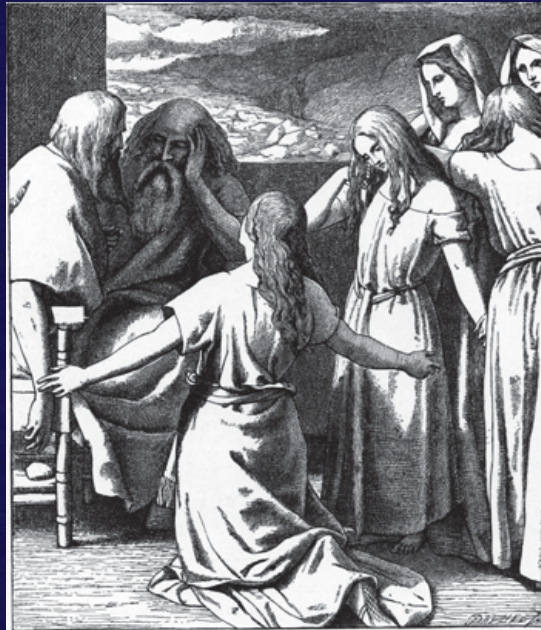








# First Heirship Determination



## Goals

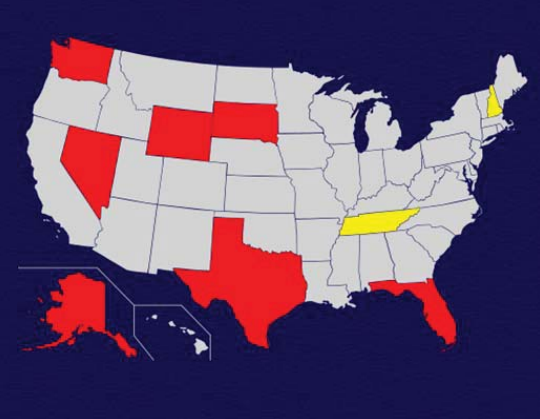
- “Heirship Determination?”
  - What it is
  - What it is not
  - How it is done
- Best Practices
- The Hearing Process
- Problem Areas







# Heirship Basics

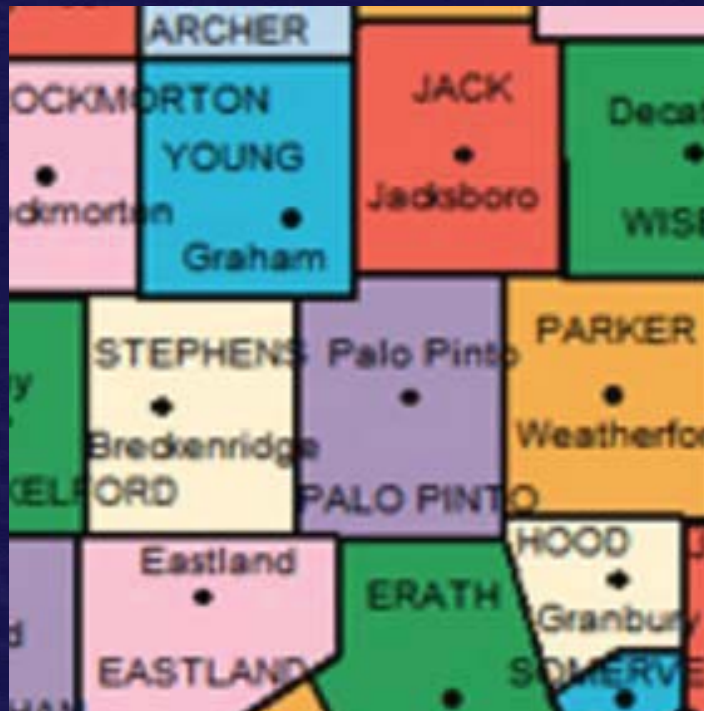




# Jurisdiction



# Venue



# A Creature of Statute, Sometimes Affected by Common Law

- Homestead
- Exempt Property
- Allowances
- No Forfeitures
- Anti-alienage Laws
- Voiding devises, etc. to Former Spouse

## Inheritance Laws

SUBCHAPTER B. MATTERS AFFECTING INHERITANCE (§§201.051 - 201.062)

**Sec. 201.051. Maternal Inheritance. [TPC §42(a)]**  
(a) For purposes of inheritance, a child is the child of the child's biological father and the child's issue shall inherit from the child's biological father, both descendants, ascendants, and collateral kin, as if the child and the child's issue. However, if the child and the child's issue are both adopted by the same person, the child and the child's issue shall inherit from the adoptive parent as if they were biological children of the adoptive parent.

**Sec. 201.052. Paternal Inheritance. [TPC §42(b)(1)]**  
(a) For purposes of inheritance, a child is the child of the child's biological father if:  
(1) the child is born under circumstances described by Section 160.201, Family Code;  
(2) the child is adjudicated to be the child of the father by court decree under Chapter 160, Family Code;  
(3) the child was adopted by the child's father; or



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: Heirship Determination

Also available as part of the eCourse

[2018 Estate Planning, Guardianship, and Elder Law eConference](#)

First appeared as part of the conference materials for the  
20<sup>th</sup> Annual Estate Planning, Guardianship and Elder Law Conference session  
"Heirship Determination"