



REPUBLICAN CAUCUS STAFF
HOUSE OF REPRESENTATIVES
STATE CAPITOL
DES MOINES, IOWA 50319
515.281.3440
IOWAHOUSEREPUBLICANS.COM

House Republican Staff Analysis

Bill: HF 245
Committee: Judiciary
Date: 2/15/11
Member: Rep. Kaufmann
Staff: Amanda Freel (1-5230)

Summary

Allows a child conceived following the death of a parent to be recognized as legitimate.

Summary of Action

- Subcommittee 2/03/11
 - Committee 2/08/11 (19-0)
 - Passed House 2/15/11 (98-0)
 - Passed Senate 3/21/11 (44-4)
 - Signed by Governor 3/31/11
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Section by Section Analysis

Section 1 – Legitimacy of Child Creates a new avenue to recognize a child as the legitimate child of both parents. A child born to married parents is deemed legitimate if:

- The parents remain married.
- The child is conceived and born after the death of a parent.
- A genetic relationship between the child and the deceased parent is established.
- The deceased parent explicitly authorized through writing or in a valid will that their genetic material could be used for the purpose of a posthumous procedure.
- The child is born within 2 years of the death of the parent.

Section 2 – Posthumous Child For the purposes of intestate succession, a posthumous child will be treated like the a child who had been born during the intestate’s lifetime. Allows any heir a one year period from the birth of the child to challenge the child’s right to inherit.

Section 3 – Child born or adopted after the execution of a will Allows a posthumously born child to inherit, just as any other child, if omitted from a will. Allows any other child of the deceased a one year period from the birth of the child to challenge the child’s right to inherit.

Section 4 – Final Report Creates a new item to be included in an executor’s final report that includes a statement as to whether the deceased left any genetic material and sufficient assets to fund the distribution to posthumous heirs.

Section 5 – Children born or adopted after the execution of a revocable trust Allows a posthumously born child to receive a share of a trust, just as any other child, if omitted from the trust documents or will.