

2026 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 6

BY REPRESENTATIVE KNOX

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study intestate succession proceedings and mechanisms to disinherit successors without a will and to report its findings to the Legislature of Louisiana no later than February 4, 2027.

WHEREAS, succession is the transmission of the estate of the deceased to his successors; and

WHEREAS, there are two kinds of succession, testate and intestate; and

WHEREAS, testate succession results from the will of the deceased, contained in a testament executed in a form prescribed by law; and

WHEREAS, in the absence of valid testamentary disposition, the undisposed property of the deceased devolves by operation of law in favor of his descendants, ascendants, and collaterals; and

WHEREAS, many parents are estranged from their adult children; and

WHEREAS, Civil Code Article 1617 provides that a forced heir shall be deprived of his legitime if he is disinherited by the testator, for just cause, in the manner prescribed by law; and

WHEREAS, Civil Code Article 1618 provides that a disinheriton must be made in one of the forms prescribed by testaments; and

WHEREAS, the disinheriton must be made expressly and for a just cause otherwise it is null in accordance with Civil Code Article 1619. The person who is disinherited must be either identified by name or otherwise identifiable from the instrument that disinherits him; and

WHEREAS, Civil Code Article 1620 provides that there are no just causes for disinheritance except those expressly recognized by law; and

WHEREAS, one of the causes for disinheritance in Civil Code Article 1621 is if the child, after attaining the age of majority and knowing how to contact the parent, has failed to communicate with the parent without just cause for a period of two years, unless a child was on active duty in any of the military forces of the United States at the time; and

WHEREAS, current law does not provide authority to disinherit a child without a will; and

WHEREAS, if the deceased dies intestate, estranged children can inherit from the deceased.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study intestate succession proceedings and mechanisms to prohibit an intestate successor from inheriting from the deceased when he is estranged from the deceased and report its findings to the Louisiana Legislature no later than February 4, 2027.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE