

391.105 Determination of rights of intestate succession in the case of a person born out of wedlock.

- (1) For the purpose of intestate succession, if a relationship of parent and child must be established to determine succession by, through, or from a person, a person born out of wedlock is a child of the natural mother. That person is also a child of the natural father if:
 - (a) The natural parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage is void; or
 - (b) In determining the right of the child or its descendants to inherit from or through the father:
 1. There has been an adjudication of paternity before the death of the father; or
 2. There has been an adjudication of paternity after the death of the father based upon clear and convincing proof;
 - (c) In determining the right of the father or his kindred to inherit from or through the child:
 1. There has been an adjudication of paternity before the death of the child; or
 2. There has been an adjudication of paternity after the death of the child based on clear and convincing proof and the evidence in such adjudication shall have demonstrated that the father openly treated the child as his, and the father did not follow a consistent policy of refusing to support the child on the ground of nonpaternity.
- (2) The terms and conditions set out in this section shall also apply in actions brought pursuant to KRS 411.130 and 411.135.

Effective: July 15, 1988

History: Created 1988 Ky. Acts ch. 90, sec. 3, effective July 15, 1988.