

ADOPTED CHILDREN'S INHERITANCE IN TEXAS WHEN NO WILL LEFT

Learn if Adopted Children Inherit From Their Biological Parents



In Texas, when a child is **adopted**, he becomes the child of his adoptive parents. He **inherits** from and through them. That means that the adopted child will inherit from the ancestors of the parent who adopted him as well as from the parent. There is no difference based on the adoption.

The question is often asked about the Texas *inheritance* rights of the *adopted* child from his natural (**birth** or biological) parents. Generally, the *adopted* child *inherits* from his natural parents and his adoptive parents. Of course, this only applies if the parents, adoptive or biological, don't have wills. If either or both have wills, their estate goes to whomever they say in their will. Texas does not have "**forced heirship**." An adoptive or biological parent does not have to leave anything to his children. But if he does not have a will and dies **intestate**, then his estate would be divided between all of his children whether natural (birth or biological) or adopted.

An exception to the above rule may occur **if the parental rights of the biological parent were terminated by a court order**. **If** the termination order is **silent as to inheritance**, then the **above rule applies**. **If**, however, the termination order **says** that the child **will not** inherit from his biological parent, **then** there would be **no inheritance** unless the biological parent left a will specifically naming the child as a beneficiary. FC 161.206.

An adopted child can contest a will of his parents just as any child can.

RECAP: IF THERE IS NOT A WILL, AN ADOPTED CHILD INHERITS FROM BOTH THEIR NATURAL AND ADOPTED PARENTS. THE NATURAL PARENTS DO NOT INHERIT THROUGH THE CHILD.