
DIGEST

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Thompson

HB No. 573

Abstract: Changes the criteria of "permanently incapable of taking care of their persons" for the purposes of forced heirship from having a condition that may render the decedent incapable to having a condition that has rendered them incapable.

Present law provides that forced heirs included descendants of the first degree who are 23 years of age or younger at the time of the decedent's death and descendants of the first degree of any age who are permanently incapable of taking care of their persons because of a mental incapacity or physical infirmity. Present law further defines a descendant who is "permanently incapable of taking care of their persons or administering their estates at the time of the death of the decedent" as one who has an inherited, incurable disease or condition that may render them incapable of caring for their person or administering their estate in the future.

Proposed law retains present law but changes the criteria of permanently incapable from a condition that may render the decedent incapable to one that has rendered them incapable.

(Amends C.C. Art. 1493(E))