

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H4/14/21

A Bill

HOUSE BILL 1829

5 By: Representative Clowney
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING POSTHUMOUSLY
9 CONCEIVED CHILDREN AS IT RELATES TO INTESTATE
10 SUCCESSION; AND FOR OTHER PURPOSES.
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Subtitle

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14 TO AMEND THE LAW CONCERNING POSTHUMOUSLY
15 CONCEIVED CHILDREN AS IT RELATES TO
16 INTESTATE SUCCESSION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 28-9-221 is amended to read as follows:

22 28-9-221. Child conceived after death of parent.

23 ~~(a) Notwithstanding the provisions of any law to the contrary, a child~~
24 ~~conceived after the death of a decedent who specifically authorized the~~
25 ~~decedent's surviving spouse, in a writing that is either notarized or~~
26 ~~witnessed by a licensed physician or a person acting under the supervision of~~
27 ~~a licensed physician, to use the decedent's gametes after the decedent's~~
28 ~~death shall be deemed the child of the decedent with the right to inherit~~
29 ~~from the decedent if the child is conceived within twelve (12) months~~
30 ~~following the death of the decedent and born within nineteen (19) months~~
31 ~~following the death of the decedent.~~

32 ~~(b) This section is retroactive to December 1, 2009, solely for the~~
33 ~~purpose of establishing a posthumous child's entitlement to Social Security~~
34 ~~benefits under the federal Social Security Act, 42 U.S.C. § 402(d), deriving~~
35 ~~from the decedent.~~
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