



## The Expanding Definition of Parentage

Since 2014, under California Senate Bill 274, children are legally permitted to have more than two parents. The law was prompted by a 2011 California court decision in which two legal parents, no longer in a relationship, were both unable to care for their child. A third person, who had a parent-like relationship with the child, raised the child as his own natural child. Ultimately, the court did not recognize all three persons as legal parents but invited the legislature to reconsider the two-parent rule. Following this case, California law was changed so that more than two persons who claim parentage can be legal parents under certain circumstances, such as when recognizing only two parents would be detrimental to the child.

The expansion of the definition of parentage can have an impact on estate planning and estate and trust administration. For example, it can affect who is entitled to inherit as a parent, a child, or a more remote descendant, as well as who is entitled to receive notice of trust and probate proceedings. Also, the new rules give rise to petitions for legal adoption of a child by a third or fourth parent. In reviewing estate plan, you may want to talk with your trusts and estates attorney about:

- Whether to update references to your children to include (or exclude) an individual who may be deemed your child under the new rules;
- Whether there might be another person who could be considered your parent;
- Whether there might be another person who could be considered your child's parent; and
- Whether there might be another person who could be considered the parent of someone else named in your estate plan.

As always, if you have questions, feel free to reach out.