

ESTATES CODE

TITLE 2. ESTATES OF DECEDENTS; DURABLE POWERS OF ATTORNEY
SUBTITLE C. PASSAGE OF TITLE AND DISTRIBUTION OF DECEDENTS'
PROPERTY IN GENERAL

CHAPTER 122. DISCLAIMERS AND ASSIGNMENTS

SUBCHAPTER A. DISCLAIMER OF INTEREST OR POWER

Sec. 122.001. DEFINITIONS. In this subchapter:

(1) "Beneficiary" includes a person who would have been entitled, if the person had not made a disclaimer, to receive property as a result of the death of another person:

(A) by inheritance;

(B) under a will;

(C) by an agreement between spouses for community property with a right of survivorship;

(D) by a joint tenancy with a right of survivorship;

(E) by a survivorship agreement, account, or interest in which the interest of the decedent passes to a surviving beneficiary;

(F) by an insurance, annuity, endowment, employment, deferred compensation, or other contract or arrangement;

(G) under a pension, profit sharing, thrift, stock bonus, life insurance, survivor income, incentive, or other plan or program providing retirement, welfare, or fringe benefits with respect to an employee or a self-employed individual;

(H) by a transfer on death deed; or

(I) by a beneficiary designation as defined by Section [115.001](#).

(2) "Disclaim" and "disclaimer" have the meanings assigned by Section [240.002](#), Property Code.

Added by Acts 2009, 81st Leg., R.S., Ch. [680](#), Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. [2428](#)), Sec. 3, eff.

September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 841 (S.B. 462), Sec. 3, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 586 (S.B. 869), Sec. 2, eff. September 1, 2017.

Sec. 122.002. DISCLAIMER. A person who may be entitled to receive property as a beneficiary may disclaim the person's interest in or power over the property in accordance with Chapter 240, Property Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 680, Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. 2428), Sec. 3, eff. September 1, 2015.

SUBCHAPTER E. ASSIGNMENT OF INTEREST

Sec. 122.201. ASSIGNMENT; WHEN ASSIGNMENT INEFFECTIVE OR LIMITED. (a) Except as provided by Subsection (b), a person who is entitled to receive property or an interest in property from a decedent under a will, by inheritance, or as a beneficiary under a life insurance contract, and does not disclaim the property under Chapter 240, Property Code, may assign the property or interest in property to any person.

(b) An assignment of property or an interest in property under Subsection (a) by a child support obligor does not take effect to the extent the assigned property or interest in property could be applied to satisfy a support obligation of the obligor that has been:

(1) administratively determined as evidence by a certified child support payment record produced by the Title IV-D agency in a Title IV-D case; or

(2) confirmed and reduced to judgment as provided by Section 157.263, Family Code.

(c) In this section:

(1) "Title IV-D agency" has the meaning assigned by

Section [101.033](#), Family Code.

(2) "Title IV-D case" has the meaning assigned by Section [101.034](#), Family Code.

(d) If Subsection (b) applies, the child support obligee to whom child support arrearages are owed may enforce the child support obligation against the obligor as to the assigned property or interest in property by a lien or by any other remedy provided by law.

(e) Unless the personal representative of a decedent's estate has actual notice of a claim that an assignment of property or an interest in property under Subsection (a) does not take effect under Subsection (b), the personal representative is not liable for transferring property pursuant to such assignment.

Added by Acts 2009, 81st Leg., R.S., Ch. [680](#), Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. [2428](#)), Sec. 4, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 151 (S.B. [869](#)), Sec. 1, eff. September 1, 2023.

Sec. 122.202. FILING OF ASSIGNMENT. An assignment may, at the request of the assignor, be delivered or filed as provided for the delivery or filing of a disclaimer under Subchapter [C](#), Chapter [240](#), Property Code.

Added by Acts 2009, 81st Leg., R.S., Ch. [680](#), Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. [2428](#)), Sec. 5, eff. September 1, 2015.

Sec. 122.204. FAILURE TO COMPLY. Failure to comply with Chapter [240](#), Property Code, does not affect an assignment.

Added by Acts 2009, 81st Leg., R.S., Ch. [680](#), Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. [2428](#)), Sec. 6, eff.

September 1, 2015.

Sec. 122.205. GIFT. An assignment under this subchapter is a gift to the assignee and is not a disclaimer under Chapter 240, Property Code.

Added by Acts 2009, 81st Leg., R.S., Ch. 680, Sec. 1, eff. January 1, 2014.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 562 (H.B. 2428), Sec. 7, eff. September 1, 2015.

Sec. 122.206. SPENDTHRIFT PROVISION. An assignment of property or interest that would defeat a spendthrift provision imposed in a trust may not be made under this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 680, Sec. 1, eff. January 1, 2014.