

394.382 Share of pretermitted child.

- (1) If a testator fails to provide in his will for any of his children born or adopted after the execution of his will, the omitted child receives a share in the estate equal in value to that which he would have received if the testator had died intestate unless:
 - (a) It appears from the will that the omission was intentional;
 - (b) When the will was executed the testator had one (1) or more children and devised substantially all his estate to the other parent of the omitted child;
or
 - (c) The testator provided for the child by transfers outside the will and the intent that the transfers be in lieu of a testamentary provision is shown by statements of the testator or from the amount of the transfers or other evidence.
- (2) In satisfying a share provided for in this section, such share shall be taken ratably from the interest of heirs, devisees and legatees.

History: Created 1972 Ky. Acts ch. 168, sec. 2, effective June 16, 1972.