

Massachusetts Uniform Probate Code (G. L. c. 190B)
Intestate Succession
(for dates of death on or after March 31, 2012)

	If the Decedent is survived by:	The intestate estate passes to:
1.	Spouse and Children (or the descendants of any pre-deceased child) and... all surviving children are also children of the surviving spouse and the surviving spouse has no surviving children who are not children of the decedent.	<ul style="list-style-type: none"> • Spouse Only.
2.	Spouse and Children (or the descendants of any pre-deceased child) and... not all surviving children of the Decedent are also children of the surviving spouse; OR the surviving spouse also has surviving children who are not children of the Decedent.	<ul style="list-style-type: none"> • Spouse AND decedent's surviving children (and surviving descendants of any pre-deceased child).
3.	Spouse and NO Children	<ul style="list-style-type: none"> • Spouse ONLY, if no surviving parents; <u>OR</u> • Spouse AND decedent's surviving parent(s).
4.	Children (or descendants of any pre-deceased child) and NO Spouse	<ul style="list-style-type: none"> • Surviving Children ONLY (and surviving descendants of any pre-deceased child).
5.	Parents, and NO Spouse and NO Children	<ul style="list-style-type: none"> • Surviving Parent(s) ONLY.
6.	Siblings (or descendants of any pre-deceased sibling), and NO Spouse, NO Children, and NO Parents	<ul style="list-style-type: none"> • Surviving Siblings ONLY (and surviving descendants of any pre-deceased sibling).
7.	Kin and NO Spouse, NO Children, NO Parents, NO Siblings	<ul style="list-style-type: none"> • Surviving closest relative according to degrees of kindred (see § 2-103(4)).
8.	No Taker	<ul style="list-style-type: none"> • Commonwealth or • Soldiers Home (see § 2-105).

Intestate Succession Pursuant to G. L. c. 190
(for dates of death prior to March 31, 2012)

	If the Decedent is survived by:	The intestate estate passes to:
1.	Spouse and Children (or the descendants ¹ of any pre-deceased child)	<ul style="list-style-type: none"> • Spouse AND decedent's surviving children (and surviving descendants of any pre-deceased child).
2.	Spouse and NO Children	<ul style="list-style-type: none"> • Spouse ONLY, if no surviving kindred²; <u>OR</u> • Spouse AND decedent's surviving kindred.
3.	Children (or descendants of any pre-deceased child) and NO Spouse	<ul style="list-style-type: none"> • Surviving Children ONLY (and surviving descendants of any pre-deceased child).
4.	Parents, and NO Spouse and NO Children	<ul style="list-style-type: none"> • Surviving Parent(s) ONLY.
5.	Siblings (or descendants of any pre-deceased sibling), and NO Spouse, NO Children, and NO Parents	<ul style="list-style-type: none"> • Surviving Siblings ONLY (and surviving descendants of any pre-deceased sibling).
6.	Kin and NO Spouse, NO Children, NO Parents, NO Siblings	<ul style="list-style-type: none"> • Surviving closest relative according to degrees of kindred (see Massachusetts Degree of Kinship Chart (MPC 960)).
7.	No Taker	<ul style="list-style-type: none"> • Commonwealth • Soldiers Home

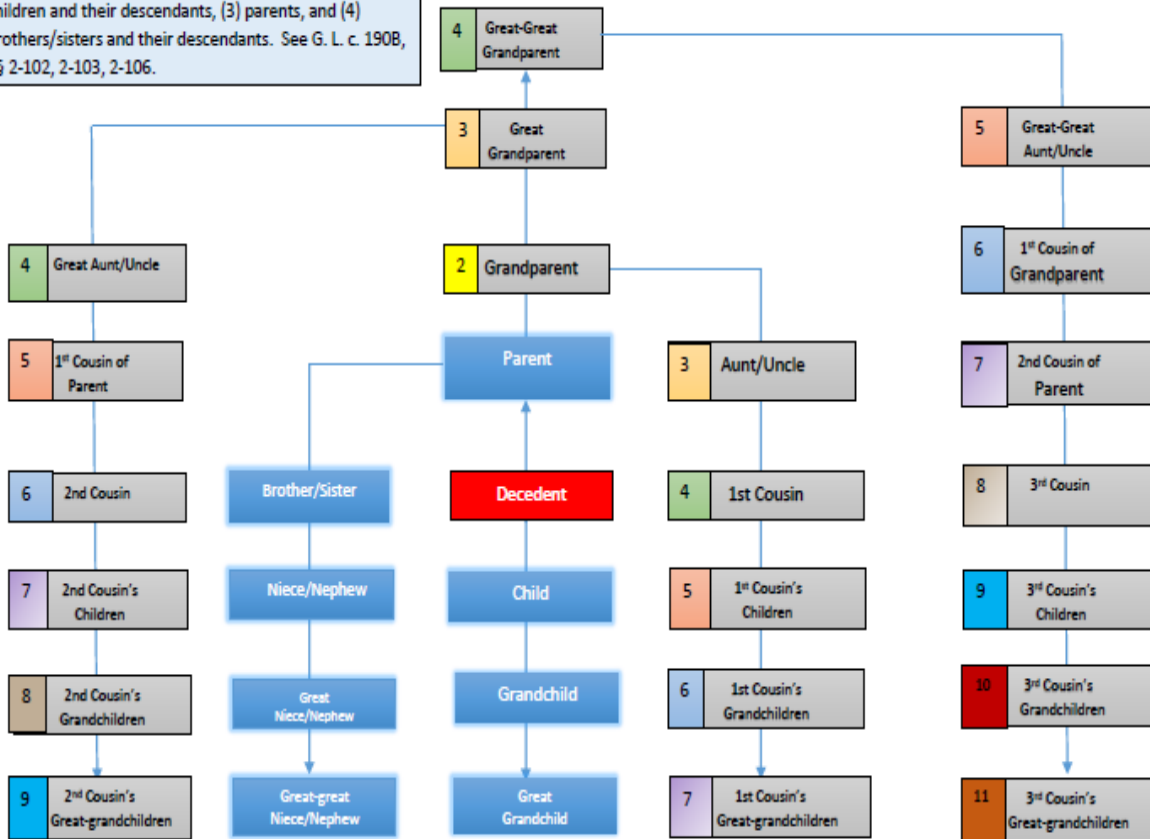
¹ Chapter 190 uses the term "issue" and not "descendants" to refer to the Decedent's children, grandchildren, etc.

² Kindred includes surviving parent(s), siblings, descendants of any predeceased sibling, etc., and the closest relative as listed on the Massachusetts Degrees of Kinship Chart (MPC 960).

Degrees of kinship are used to identify heirs at law in the "next of kin" category **ONLY** if there are no members in the first four groups of heirs: (1) surviving spouse, (2) children and their descendants, (3) parents, and (4) brothers/sisters and their descendants. See G. L. c. 190B, §§ 2-102, 2-103, 2-106.

MASSACHUSETTS DEGREES OF KINSHIP CHART (MPC 960)

Each title is that person's relation to the Decedent.



- The numbers above represent the order of nearness in blood to the deceased and are referred to as "degrees of kindred". The lower the degree or number, the closer a relation is to the Decedent.
- When there are multiple relations with the same degree, those who claim through the nearest ancestor are preferred. See G. L. c. 190B, § 2-103 (4). For example, if the nearest living relatives are a great-aunt, a great-uncle and two 1st cousins, all are 4th degree relations, but the two 1st cousins inherit because they claim through the grandparents - a closer ancestor than the great-grandparents.
- The nearest living relatives of the lowest degree inherit the estate equally regardless of whether they claim on the mother's side or the father's side of the family. Children of deceased relatives in a class are excluded. See G. L. c. 190B, § 2-103 (4).
- If there are no known heirs at law, see G. L. c. 190B, § 2-105. The Attorney General must be provided notice in such cases.