



HOUSE BILL 388:

Amend Business Corporations Act, Part XII:

Revisions To Year's Allowance Statutes

2025-2026 General Assembly

Analysis of: S.L. 2025-33, Part XII

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Prepared by: Legislative Analysis
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Part XII of S.L. 2025-33 (House Bill 388) does the following:

- Clarifies that a proceeding for a spouse's allowance or for a child's allowance is an estate proceeding.
- Clarifies that a child's year's allowance has priority over a spouse's year's allowance when both of the following are true:
 - The surviving spouse fails to petition for the spousal allowance within six months after the decedent's date of death.
 - An eligible person files a petition for a child's allowance before the spouse files a petition for an allowance.
- Clarifies that a child who is at least 18 years old or an emancipated minor at the time of the filing of a petition can file his or her own petition for the child's allowance.
- Removes the provision that allowed a clerk, on the clerk's own motion, to determine that a hearing is necessary to determine whether a year's allowance should be awarded.
- Provides that if no administrator has been appointed, the clerk can disburse estate funds upon motion of the clerk or application of an interested party when both of the following are true:
 - It has been more than six months since the decedent's death.
 - There has been no petition filed and assignment of a spouse's or child's year's allowance.

The provision authorizing the clerk's disbursement of funds when it has been more than six months since the decedent's death and there has been no petition and assignment of a year's allowance became effective June 30, 2025. The remainder of this Part becomes effective January 1, 2026, and applies to petitions filed on or after that date.

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