

By: Casteel

H.B. No. 1501

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a guardian of the estate of a ward to
3 make certain gifts of the ward's estate for estate planning
4 purposes.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 865, Texas Probate Code, is amended by
7 adding Subsection (f) to read as follows:

8 (f) In an order entered under Subsection (a) of this
9 section, the court may authorize the guardian to make gifts as
10 provided by Subsection (a) of this section on an annual or other
11 periodic basis without subsequent application to or order of the
12 court if the court finds it to be in the best interest of the ward
13 and the ward's estate. The court, on the court's own motion or on the
14 motion of a person interested in the welfare of the ward, may modify
15 or set aside an order entered under this subsection if the court
16 finds that the ward's financial condition has changed in such a
17 manner that authorizing the guardian to make gifts of the estate on
18 a continuing basis is no longer in the best interest of the ward and
19 the ward's estate.

20 SECTION 2. The change in law made by this Act to Section
21 865, Texas Probate Code, applies only to an application for the
22 establishment of an estate plan filed on or after the effective date
23 of this Act. An application for the establishment of an estate plan
24 filed before the effective date of this Act is governed by the law

H.B. No. 1501

1 in effect on the date the application was filed, and the former law
2 is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2005.