

1-1 By: Casteel (Senate Sponsor - Wentworth) H.B. No. 1501  
1-2 (In the Senate - Received from the House April 11, 2005;  
1-3 April 12, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 5, 2005, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the authority of a guardian of the estate of a ward to  
1-9 make certain gifts of the ward's estate for estate planning  
1-10 purposes.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 865, Texas Probate Code, is amended by  
1-13 adding Subsection (f) to read as follows:

1-14 (f) In an order entered under Subsection (a) of this  
1-15 section, the court may authorize the guardian to make gifts as  
1-16 provided by Subsection (a) of this section on an annual or other  
1-17 periodic basis without subsequent application to or order of the  
1-18 court if the court finds it to be in the best interest of the ward  
1-19 and the ward's estate. The court, on the court's own motion or on  
1-20 the motion of a person interested in the welfare of the ward, may  
1-21 modify or set aside an order entered under this subsection if the  
1-22 court finds that the ward's financial condition has changed in such  
1-23 a manner that authorizing the guardian to make gifts of the estate  
1-24 on a continuing basis is no longer in the best interest of the ward  
1-25 and the ward's estate.

1-26 SECTION 2. The change in law made by this Act to Section  
1-27 865, Texas Probate Code, applies only to an application for the  
1-28 establishment of an estate plan filed on or after the effective date  
1-29 of this Act. An application for the establishment of an estate plan  
1-30 filed before the effective date of this Act is governed by the law  
1-31 in effect on the date the application was filed, and the former law  
1-32 is continued in effect for that purpose.

1-33 SECTION 3. This Act takes effect September 1, 2005.

1-34 \* \* \* \* \*