

By: Hinojosa

S.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a statutory probate court judge's authority to transfer
3 certain proceedings from another court to the statutory probate
4 court.

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

6 SECTION 1. Section 5B, Texas Probate Code, is amended by
7 adding Subsection (c) to read as follows:

8 (c) Notwithstanding any other provision of this chapter or a
9 provision of Chapter 15, Civil Practice and Remedies Code, a judge
10 of a statutory probate court may transfer a cause of action
11 described by Subsection (a) of this section from a court to the
12 statutory probate court as provided by Subsection (a) even if venue
13 for the action is proper or mandatory in the county of the court
14 from which the action is to be transferred.

15 SECTION 2. Section 608, Texas Probate Code, is amended to
16 read as follows:

17 Sec. 608. TRANSFER OF GUARDIANSHIP PROCEEDING. (a) A judge
18 of a statutory probate court, on the motion of a party to the action
19 or of a person interested in a guardianship, may transfer to the
20 judge's court from a district, county, or statutory court a cause of
21 action appertaining to or incident to a guardianship estate that is
22 pending in the statutory probate court or a cause of action relating
23 to a guardianship in which a guardian, ward, or proposed ward in a
24 guardianship pending in the statutory probate court is a party and

1 may consolidate the transferred cause of action with the other
2 proceedings in the statutory probate court relating to the
3 guardianship estate.

4 (b) Notwithstanding any other provision of this chapter or a
5 provision of Chapter 15, Civil Practice and Remedies Code, a judge
6 of a statutory probate court may transfer a cause of action
7 described by Subsection (a) of this section from a court to the
8 statutory probate court as provided by Subsection (a) even if venue
9 for the action is proper or mandatory in the county of the court
10 from which the action is to be transferred.

11 SECTION 3. (a) The changes in law made by this Act to
12 Sections 5B and 608, Texas Probate Court, apply to all actions:

13 (1) commenced on or after the effective date of this
14 Act; or

15 (2) pending on the effective date of this Act and in
16 which the trial, or any new trial or retrial following motion,
17 appeal, or otherwise, begins on or after that effective date.

18 (b) For an action that is commenced before the effective
19 date of this Act, a trial, new trial, or retrial that is in progress
20 on the effective date is governed by the law applicable to that
21 trial, new trial, or retrial immediately before that date, and that
22 law is continued in effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2005.