

BILL ANALYSIS

C.S.H.B. 519
By: Naishtat
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a proper court may enter an order creating a trust for the estate of an incapacitated person. The purpose of this bill is to restrict this power to probate courts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill would amend Section 867(b-1), Probate Code, by inserting the words "exercising probate jurisdiction" to describe the courts which may create trusts for incapacitated persons. The purpose is to clarify the types of courts to which the section applies.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original had inserted only the word "probate", and was changed in view of the fact that some non-probate courts exercise probate jurisdiction.