

BILL ANALYSIS

C.S.H.B. 1709
By: Naishtat
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Personal representatives and guardians must, unless excused by law, give bond as a condition of assumption of their duties. The amount of the bond is set based upon assets in the estate plus 12 months' income. Occasionally the court will obtain evidence showing that a bond previously given is too high or too low. The purpose of this bill is to permit a court to set a new bond without a formal proceeding to increase the efficiency and lower the cost of this procedure.

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 the Probate Code to eliminate the requirement that citation be given and a hearing held prior to the order of a new bond in circumstances where a new bond is appropriate. The change would apply to the bonds of personal representatives and guardians. A personal representative or guardian opposing the change would be given the opportunity to challenge the new bond by demanding a hearing.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds provisions for an executor or a guardian who wishes to challenge the increase of a bond to demand a hearing on the issue prior to obtaining the new bond.