

By: Naishtat

H.B. No. 342

Substitute the following for H.B. No. 342:

By: Hartnett

C.S.H.B. No. 342

A BILL TO BE ENTITLED

AN ACT

relating to concurrent guardianship proceedings in this state and in a foreign jurisdiction.

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

SECTION 1. Subpart G, Part 5, Chapter XIII, Texas Probate Code, is amended by adding Section 894 to read as follows:

Sec. 894. GUARDIANSHIP PROCEEDINGS FILED IN THIS STATE AND IN FOREIGN JURISDICTION. (a) A court in which a guardianship proceeding is filed and in which venue of the proceeding is proper may delay further action in the proceeding in that court if:

(1) another guardianship proceeding involving a matter at issue in the proceeding filed in the court is subsequently filed in a court in a foreign jurisdiction; and

(2) venue of the proceeding in the foreign court is proper.

(b) A court that delays further action in a guardianship proceeding under Subsection (a) of this section shall determine whether venue of the proceeding is more suitable in that court or in the foreign court. In making that determination, the court may consider:

(1) the interests of justice;

(2) the best interests of the ward or proposed ward;

and

(3) the convenience of the parties.

1       (c) A court that delays further action under Subsection (a)  
2 of this section may issue any order it considers necessary to  
3 protect the proposed ward or the proposed ward's estate.

4       (d) The court shall resume the guardianship proceeding if  
5 the court determines that venue is more suitable in that court. If  
6 the court determines that venue is more suitable in the foreign  
7 court, the court shall, with the consent of the foreign court,  
8 transfer the proceeding to the foreign court.

9       SECTION 2. Section 894, Texas Probate Code, as added by this  
10 Act, applies only to a guardianship proceeding filed on or after the  
11 effective date of this Act.

12       SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.