

By: Naishtat

H.B. No. 342

A BILL TO BE ENTITLED

AN ACT

1
2 relating to concurrent guardianship proceedings in this state and
3 in a foreign jurisdiction.

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

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

7 Sec. 894. GUARDIANSHIP PROCEEDINGS FILED IN THIS STATE AND
8 IN FOREIGN JURISDICTION. (a) A court in which a guardianship
9 proceeding is filed and in which venue of the proceeding is proper
10 shall abate the proceeding in that court if:

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

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

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

20 (1) the interests of justice;

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

22 and

23 (3) the convenience of the parties.

24 (c) The court shall resume the guardianship proceeding if

1 the court determines that venue is more suitable in that court. If
2 the court determines that venue is more suitable in the foreign
3 court, the court shall, with the consent of the foreign court,
4 transfer the proceeding to the foreign court.

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

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