

1-1 By: Naishtat (Senate Sponsor - Watson) H.B. No. 342
1-2 (In the Senate - Received from the House March 29, 2007;
1-3 April 3, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 10, 2007, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 10, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to concurrent guardianship proceedings in this state and
1-9 in a foreign jurisdiction.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subpart G, Part 5, Chapter XIII, Texas Probate
1-12 Code, is amended by adding Section 894 to read as follows:

1-13 Sec. 894. GUARDIANSHIP PROCEEDINGS FILED IN THIS STATE AND
1-14 IN FOREIGN JURISDICTION. (a) A court in which a guardianship
1-15 proceeding is filed and in which venue of the proceeding is proper
1-16 may delay further action in the proceeding in that court if:

1-17 (1) another guardianship proceeding involving a
1-18 matter at issue in the proceeding filed in the court is subsequently
1-19 filed in a court in a foreign jurisdiction; and

1-20 (2) venue of the proceeding in the foreign court is
1-21 proper.

1-22 (b) A court that delays further action in a guardianship
1-23 proceeding under Subsection (a) of this section shall determine
1-24 whether venue of the proceeding is more suitable in that court or in
1-25 the foreign court. In making that determination, the court may
1-26 consider:

1-27 (1) the interests of justice;

1-28 (2) the best interests of the ward or proposed ward;

1-29 and

1-30 (3) the convenience of the parties.

1-31 (c) A court that delays further action under Subsection (a)
1-32 of this section may issue any order it considers necessary to
1-33 protect the proposed ward or the proposed ward's estate.

1-34 (d) The court shall resume the guardianship proceeding if
1-35 the court determines that venue is more suitable in that court. If
1-36 the court determines that venue is more suitable in the foreign
1-37 court, the court shall, with the consent of the foreign court,
1-38 transfer the proceeding to the foreign court.

1-39 SECTION 2. Section 894, Texas Probate Code, as added by this
1-40 Act, applies only to a guardianship proceeding filed on or after the
1-41 effective date of this Act.

1-42 SECTION 3. This Act takes effect immediately if it receives
1-43 a vote of two-thirds of all the members elected to each house, as
1-44 provided by Section 39, Article III, Texas Constitution. If this
1-45 Act does not receive the vote necessary for immediate effect, this
1-46 Act takes effect September 1, 2007.

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