

By: Naishtat

H.B. No. 1709

Substitute the following for H.B. No. 1709:

By: Hartnett

C.S.H.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

1
2 relating to bonds required of guardians and other personal
3 representatives.

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

5 SECTION 1. Sections 205 and 206, Texas Probate Code, are
6 amended to read as follows:

7 Sec. 205. JUDGE TO REQUIRE NEW BOND. When it shall be known
8 to him that any such bond is in any respect insufficient or that it
9 has, together with the record thereof, been lost or destroyed, the
10 judge shall:

11 (1) without delay and without notice enter an order
12 requiring the representative to give a new bond; or

13 (2) without delay cause the representative to be cited
14 to show cause why he should not give a new bond.

15 Sec. 206. ORDER REQUIRING NEW BOND. (a) The order entered
16 under Section 205(1) of this code must state the reasons for
17 requiring a new bond, the amount of the new bond, and the time
18 within which the new bond must be given, which may not be earlier
19 than the 10th day after the date of the order. If the personal
20 representative opposes the order, the personal representative may
21 demand a hearing on the order. The hearing must be held before the
22 expiration of the time within which the new bond must be given.

23 (b) Upon the return of a citation ordering a personal
24 representative to show cause why he should not give a new bond, the

1 judge shall, on the day named therein for the hearing of the matter,
2 proceed to inquire into the sufficiency of the reasons for
3 requiring a new bond; and, if satisfied that a new bond should be
4 required, he shall enter an order to that effect, stating in such
5 order the amount of such new bond, and the time within which it
6 shall be given, which shall not be later than twenty days from the
7 date of such order.

8 SECTION 2. Sections 713 and 714, Texas Probate Code, are
9 amended to read as follows:

10 Sec. 713. JUDGE TO REQUIRE NEW BOND. When it is made known
11 to a judge that a bond is insufficient or that the bond has, with the
12 record of the bond, been lost or destroyed, the judge [~~without~~
13 ~~delay~~] shall:

14 (1) without delay and without notice enter an order
15 requiring the guardian to give a new bond; or

16 (2) without delay cause the guardian to be cited to
17 show cause why the guardian should not give a new bond.

18 Sec. 714. ORDER REQUIRING NEW BOND. (a) The order entered
19 under Section 713(1) of this code must state the reasons for
20 requiring a new bond, the amount of the new bond, and the time
21 within which the new bond must be given, which may not be earlier
22 than the 10th day after the date of the order. If the guardian
23 opposes the order, the guardian may demand a hearing on the order.
24 The hearing must be held before the expiration of the time within
25 which the new bond must be given.

26 (b) On the return of a citation ordering a guardian to show
27 cause why the guardian should not give a new bond, the judge on the

1 day contained in the return of citation as the day for the hearing
2 of the matter, shall proceed to inquire into the sufficiency of the
3 reasons for requiring a new bond. If the judge is satisfied that a
4 new bond should be required, the judge shall enter an order to that
5 effect that states the amount of the new bond and the time within
6 which the new bond shall be given, which may not be later than 20
7 days from the date of the order issued by the judge under this
8 subsection [~~section~~].

9 SECTION 3. This Act takes effect September 1, 2007.