

1-1 By: Naishtat (Senate Sponsor - Watson) H.B. No. 1709  
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 bonds required of guardians and other personal  
1-9 representatives.

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

1-11 SECTION 1. Sections 205 and 206, Texas Probate Code, are  
1-12 amended to read as follows:

1-13 Sec. 205. JUDGE TO REQUIRE NEW BOND. When it shall be known  
1-14 to him that any such bond is in any respect insufficient or that it  
1-15 has, together with the record thereof, been lost or destroyed, the  
1-16 judge shall:

1-17 (1) without delay and without notice enter an order  
1-18 requiring the representative to give a new bond; or

1-19 (2) without delay cause the representative to be cited  
1-20 to show cause why he should not give a new bond.

1-21 Sec. 206. ORDER REQUIRING NEW BOND. (a) The order entered  
1-22 under Section 205(1) of this code must state the reasons for  
1-23 requiring a new bond, the amount of the new bond, and the time  
1-24 within which the new bond must be given, which may not be earlier  
1-25 than the 10th day after the date of the order. If the personal  
1-26 representative opposes the order, the personal representative may  
1-27 demand a hearing on the order. The hearing must be held before the  
1-28 expiration of the time within which the new bond must be given.

1-29 (b) Upon the return of a citation ordering a personal  
1-30 representative to show cause why he should not give a new bond, the  
1-31 judge shall, on the day named therein for the hearing of the matter,  
1-32 proceed to inquire into the sufficiency of the reasons for  
1-33 requiring a new bond; and, if satisfied that a new bond should be  
1-34 required, he shall enter an order to that effect, stating in such  
1-35 order the amount of such new bond, and the time within which it  
1-36 shall be given, which shall not be later than twenty days from the  
1-37 date of such order.

1-38 SECTION 2. Sections 713 and 714, Texas Probate Code, are  
1-39 amended to read as follows:

1-40 Sec. 713. JUDGE TO REQUIRE NEW BOND. When it is made known  
1-41 to a judge that a bond is insufficient or that the bond has, with the  
1-42 record of the bond, been lost or destroyed, the judge [~~without~~  
1-43 ~~delay~~] shall:

1-44 (1) without delay and without notice enter an order  
1-45 requiring the guardian to give a new bond; or

1-46 (2) without delay cause the guardian to be cited to  
1-47 show cause why the guardian should not give a new bond.

1-48 Sec. 714. ORDER REQUIRING NEW BOND. (a) The order entered  
1-49 under Section 713(1) of this code must state the reasons for  
1-50 requiring a new bond, the amount of the new bond, and the time  
1-51 within which the new bond must be given, which may not be earlier  
1-52 than the 10th day after the date of the order. If the guardian  
1-53 opposes the order, the guardian may demand a hearing on the order.  
1-54 The hearing must be held before the expiration of the time within  
1-55 which the new bond must be given.

1-56 (b) On the return of a citation ordering a guardian to show  
1-57 cause why the guardian should not give a new bond, the judge on the  
1-58 day contained in the return of citation as the day for the hearing  
1-59 of the matter, shall proceed to inquire into the sufficiency of the  
1-60 reasons for requiring a new bond. If the judge is satisfied that a  
1-61 new bond should be required, the judge shall enter an order to that  
1-62 effect that states the amount of the new bond and the time within  
1-63 which the new bond shall be given, which may not be later than 20  
1-64 days from the date of the order issued by the judge under this

2-1 subsection [~~section~~].

2-2 SECTION 3. This Act takes effect September 1, 2007.

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