

SENATE AMENDMENTS

2nd Printing

By: Laubenberg

H.B. No. 585

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of a probate court in certain guardianship proceedings.

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

SECTION 1. Section 154.309(c), Family Code, is amended to read as follows:

(c) A court that obtains continuing, exclusive jurisdiction of a suit affecting the parent-child relationship involving a disabled person who is a child retains continuing, exclusive jurisdiction of subsequent proceedings involving the person, including proceedings after the person is an adult. Notwithstanding this subsection and any other law, a probate court may exercise jurisdiction in a guardianship proceeding for the person after the person is an adult.

SECTION 2. Section 606, Texas Probate Code, is amended by adding Subsection (k) to read as follows:


(k) A statutory probate court or other court exercising the jurisdiction of a probate court has jurisdiction in a guardianship proceeding involving a disabled adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child.

SECTION 3. The change in law made by this Act applies to a guardianship proceeding pending in a trial court on or filed on or after the effective date of this Act.


1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.

ADOPTED

MAY 15 2007


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:  _____

1 Amend H.B. No. 585 by adding the following appropriately
2 numbered section and renumbering the sections of the bill
3 accordingly:

4 SECTION ____ . Section 682A, Texas Probate Code, is amended
5 by adding Subsections (a-1) and (a-2) to read as follows:

6 (a-1) Notwithstanding any other law, if the applicant who
7 files an application under Subsection (a) of this section or
8 Section 682 of this code is a person who was appointed conservator
9 of a disabled child for whom a court obtains jurisdiction under
10 Section 606(k) of this code, the applicant may present to the court
11 a written letter or certificate that meets the requirements of
12 Section 687(a) of this code.

13 (a-2) If, on receipt of the letter or certificate described
14 by Subsection (a-1) of this section, the court is able to make the
15 findings required by Section 684 of this code, the court,
16 notwithstanding Section 677 of this code, shall appoint the
17 conservator as guardian without conducting a hearing and shall, to
18 the extent possible, preserve the terms of possession and access to
19 the ward that applied before the court obtained jurisdiction under
20 Section 606(k) of this code.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 2, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB585 by Laubenberg (Relating to the jurisdiction of a probate court in certain guardianship proceedings.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend Section 154.309(c), Family Code, to authorize a probate court to exercise jurisdiction in a guardianship proceeding for a disabled person after that person becomes an adult if the court had continuing jurisdiction in a suit affecting the parent-child relationship when the person was a child.

The bill would amend Section 606, Probate Code, to authorize a statutory probate court, or other court exercising jurisdiction of a probate court, to have jurisdiction in a guardianship proceeding involving a disabled adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 22, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB585 by Laubenberg (Relating to the jurisdiction of a probate court in certain guardianship proceedings.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend Section 154.309(c), Family Code, to authorize a probate court to exercise jurisdiction in a guardianship proceeding for a disabled person after that person becomes an adult if the court had continuing jurisdiction in a suit affecting the parent-child relationship when the person was a child.

The bill would amend Section 606, Probate Code, to authorize a statutory probate court, or other court exercising jurisdiction of a probate court, to have jurisdiction in a guardianship proceeding involving a disabled adult for whom another court obtained continuing, exclusive jurisdiction in a suit affecting the parent-child relationship when the person was a child.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB