

House Bill 585
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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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.

Same as House version.

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.

Same as House version.

No equivalent provision.

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

(a-1) Notwithstanding any other law, if the applicant who files an application under Subsection (a) of this section or Section 682 of this code is a person who was appointed conservator of a disabled child for whom a

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court obtains jurisdiction under Section 606(k) of this code, the applicant may present to the court a written letter or certificate that meets the requirements of Section 687(a) of this code.

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

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.

Same as House version.

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

Same as House version.