

BILL ANALYSIS

C.S.H.B. 1460
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In determining the transfer of property in probate of a will, questions arise concerning the marital status of the decedent. In the current application process, the decedent does not need to list when any divorce may have occurred, which may lead to a contested probate of a will.

C.S.H.B. 1460 requires an application for probate of a written will to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1460 amends the Texas Probate Code to require an application for probate of a written will to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void, rather than whether the decedent was ever divorced.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1460 differs from the original by requiring an application for probate of a written will to state whether a marriage of the decedent was ever dissolved after the will was made, whether by divorce, annulment, or a declaration that the marriage was void, whereas the original only requires the application to state whether the decedent was divorced after making the will.