

By: Hinojosa

S.B. No. 1267

A BILL TO BE ENTITLED

AN ACT

relating to transfer of certain probate matters and guardianship matters.

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

SECTION 1. Section 5B(a), Texas Probate Code, is amended to read as follows:

(a) A judge of a statutory probate court, on the motion of a party to the action or on the motion of a person interested in an estate, may transfer to his court from a district, county, or statutory court a cause of action appertaining to or incident to an estate pending in the statutory probate court or a cause of action in which a personal representative of an estate pending in the statutory probate court is a party and may consolidate the transferred cause of action with the other proceedings in the statutory probate court relating to that estate. The judge of a statutory probate court may transfer a cause of action described by this subsection to the judge's court only if venue would otherwise be proper or mandatory in the county of that statutory probate court.

SECTION 2. Section 608, Texas Probate Code, is amended to read as follows:

Sec. 608. TRANSFER OF GUARDIANSHIP PROCEEDING. A judge of a statutory probate court, on the motion of a party to the action or of a person interested in a guardianship, may transfer to the

1 judge's court from a district, county, or statutory court a cause of
2 action appertaining to or incident to a guardianship estate that is
3 pending in the statutory probate court or a cause of action relating
4 to a guardianship in which a guardian, ward, or proposed ward in a
5 guardianship pending in the statutory probate court is a party and
6 may consolidate the transferred cause of action with the other
7 proceedings in the statutory probate court relating to the
8 guardianship estate. The judge of a statutory probate court may
9 transfer a cause of action described by this section to the judge's
10 court only if venue would otherwise be proper or mandatory in the
11 county of that statutory probate court.

12 SECTION 3. This Act takes effect September 1, 2009.