

By: Thompson of Harris

H.B. No. 2196

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the promulgation of certain forms for use in probate  
3 matters.

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

5 SECTION 1. Subchapter A, Chapter 22, Government Code, is  
6 amended by adding Section 22.020 to read as follows:

7 Sec. 22.020. PROMULGATION OF CERTAIN PROBATE FORMS. (a) In  
8 this section:

9 (1) "Probate court" has the meaning assigned by  
10 Section 22.007, Estates Code.

11 (2) "Probate matter" has the meaning assigned by  
12 Section 22.029, Estates Code.

13 (b) The supreme court shall, as the court considers  
14 appropriate, promulgate:

15 (1) forms for use by individuals representing  
16 themselves in a probate matter, including forms for use in:

17 (A) a small estate affidavit proceeding under  
18 Chapter 205, Estates Code; and

19 (B) the probate of a will as a muniment of title  
20 under Chapter 257, Estates Code;

21 (2) a simple will form for:

22 (A) a married individual with an adult child;

23 (B) a married individual with a minor child;

24 (C) a married individual with no children;

1                    (D) an unmarried individual with an adult child;

2                    (E) an unmarried individual with a minor child;

3 and

4                    (F) an unmarried individual with no children; and

5                    (3) instructions for the proper use of each form or set  
6 of forms.

7            (c) The forms and instructions:

8                    (1) must be written in plain language that is easy to  
9 understand by the general public;

10                   (2) shall be made readily available to the general  
11 public in the manner prescribed by the supreme court; and

12                   (3) must be translated into the Spanish language as  
13 provided by Subsection (d).

14            (d) The Spanish language translation of a form must:

15                   (1) state:

16                    (A) that the Spanish language translated form is  
17 to be used solely for the purpose of assisting in understanding the  
18 form and may not be submitted to the probate court; and

19                    (B) that the English language version of the form  
20 must be submitted to the probate court; or

21                   (2) be incorporated into the English language version  
22 of the form in a manner that is understandable to both the probate  
23 court and members of the general public.

24            (e) Each form and its instructions must clearly and  
25 conspicuously state that the form is not a substitute for the advice  
26 of an attorney.

27            (f) The clerk of a probate court shall inform members of the

1 general public of the availability of a form promulgated by the  
2 supreme court under this section as appropriate and make the form  
3 available free of charge.

4 (g) A probate court shall accept a form promulgated by the  
5 supreme court under this section unless the form has been completed  
6 in a manner that causes a substantive defect that cannot be cured.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2015.