

By: Zaffirini

S.B. No. 512

A BILL TO BE ENTITLED

AN ACT

relating to the promulgation of certain forms for use in probate matters.

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

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

Sec. 22.020. PROMULGATION OF CERTAIN PROBATE FORMS.

(a) In this section:

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

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

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

(1) forms for use by individuals representing themselves in certain probate matters, including forms for use in:

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

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

(2) a simple will form for:

(A) a married individual with an adult child;

(B) a married individual with a minor child;

(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 September 1, 2015.