

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)

The supreme court shall, as the court considers appropriate, promulgate forms and instructions for the use of those forms for use by individuals representing themselves in certain probate matters or making certain wills, including forms for use in:

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

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

(3) the making of a will for:

(A) a married individual with an adult child;

(B) a married individual with a minor child;

(C) a married individual with no children;

(D) an unmarried individual with an adult child;

(E) an unmarried individual with a minor child;

and

(F) an unmarried individual with no children.

(b) The forms and instructions must:

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

3 (2) clearly and conspicuously state that the form is
4 not a substitute for the advice of an attorney;

5 (3) be made readily available to the general public in
6 the manner prescribed by the supreme court; and

7 (4) be translated into the Spanish language and the
8 Spanish language translation of the form must either:

9 (A) state that the Spanish language-translated
10 form is to be used solely for the purpose of assisting in
11 understanding the form and may not be submitted to the court, and
12 that the English version of the form must submitted to the court; or

13 (B) be incorporated into the English language
14 form in a manner that is understandable to both the court and
15 members of the public.

16 (c) The clerk of a court shall inform members of the public
17 of the availability of a form promulgated under this section as
18 appropriate and make the form available free of charge.

19 (d) A court shall accept a form promulgated by the supreme
20 court under this section unless the form has been completed in a
21 manner that causes a substantive defect that cannot be cured.

22 SECTION 2. This Act takes effect September 1, 2015.