

By: King of Parker

H.B. No. 2928

Substitute the following for H.B. No. 2928:

By: Krause

C.S.H.B. No. 2928

A BILL TO BE ENTITLED

AN ACT

relating to jurisdiction of contested probate proceedings in counties without a statutory probate court or county court at law exercising original probate jurisdiction.

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

SECTION 1. Section 32.003, Estates Code, is amended by amending Subsections (a), (b), (b-1), and (c) and adding Subsection (b-2) to read as follows:

(a) In a county in which there is no statutory probate court or county court at law exercising original probate jurisdiction, when a matter in a probate proceeding is contested, the judge of the county court may, on the judge's own motion, or shall, on the timely filing of a motion of any party to the proceeding, according to the motion:

(1) request the assignment of a statutory probate court judge to hear the contested matter, as provided by Section 25.0022, Government Code; or

(2) transfer the contested matter to the district court, which may then hear the contested matter as if originally filed in the district court.

(b) If more than one [a] party to a probate proceeding files a motion under Subsection (a) and the motions conflict, the judge of the county court may, with or without a hearing, grant or deny either motion, as considered appropriate under the circumstances of

1 the contested matter ~~[for the assignment of a statutory probate~~
2 ~~court judge to hear a contested matter in the proceeding before the~~
3 ~~judge of the county court transfers the contested matter to a~~
4 ~~district court under this section, the county judge shall grant the~~
5 ~~motion for the assignment of a statutory probate court judge and may~~
6 ~~not transfer the matter to the district court unless the party~~
7 ~~withdraws the motion]~~.

8 (b-1) If a judge of a county court requests the assignment
9 of a statutory probate court judge to hear a contested matter in a
10 probate proceeding ~~[on the judge's own motion or on the motion of a~~
11 ~~party to the proceeding as provided by this section]~~, the judge may
12 request that the statutory probate court judge be assigned to the
13 entire proceeding ~~[on the judge's own motion or on the motion of a~~
14 ~~party]~~.

15 (b-2) After the filing of a motion described by Subsection
16 (a) by a party to a probate proceeding, the judge of the county
17 court may not grant any relief with respect to the contested matter
18 other than the assignment or transfer requested in the motion
19 except for injunctive relief as needed to maintain the status quo
20 existing before the matter became contested.

21 (c) A ~~[party to a probate proceeding may file a]~~ motion
22 described by Subsection (a) filed by a party to a probate
23 proceeding:

24 (1) is considered timely if:

25 (A) the motion is filed not later than the 10th
26 day after the date the ~~[for the assignment of a statutory probate~~
27 ~~court judge under this section before a]~~ matter in the proceeding

1 becomes contested; or

2 (B) in the case of a motion to which each party to
3 the proceeding consents to the assignment or transfer requested in
4 the motion, the motion is filed at any time during which the
5 contested matter remains pending in the county court; and

6 (2) may be amended or withdrawn at any time before the
7 judge grants the motion~~[, and the motion is given effect as a motion~~
8 ~~for assignment of a statutory probate court judge under Subsection~~
9 ~~(a) if the matter later becomes contested]~~.

10 SECTION 2. Section [32.003](#), Estates Code, as amended by this
11 Act, applies only to a probate proceeding commenced on or after the
12 effective date of this Act. A proceeding commenced before the
13 effective date of this Act is governed by the law in effect on the
14 date the proceeding was commenced, and the former law is continued
15 in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2019.