

By: King of Parker

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 statutory county court.

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

SECTION 1. Sections 32.003(b) and (c), Estates Code, are amended to read as follows:

(b) If more than one ~~[a]~~ party to a probate proceeding files a motion under Subsection (a), ~~[for the assignment of a statutory probate court judge to hear a contested matter in the proceeding before]~~ the judge of the county court ~~[transfers the contested matter to a district court under this section, the county judge]~~ shall grant the motion that was filed first ~~[for the assignment of a statutory probate court judge and may not transfer the matter to the district court]~~ unless the party that was the first to file withdraws the motion.

(c) A party to a probate proceeding may, concurrently with the party's initial filing in the proceeding, file an anticipatory ~~[a]~~ motion for the transfer of all contested matters in the proceeding to the district ~~[assignment of a statutory probate]~~ court ~~[judge]~~ under this section ~~[before a matter in the proceeding becomes contested]~~, and the motion is given effect as a motion for the transfer of all contested matters to the district ~~[assignment of a statutory probate]~~ court ~~[judge]~~ under Subsection (a) if any

1 ~~[the]~~ matter in the proceeding later becomes contested, unless the
2 party withdraws the motion.

3 SECTION 2. Sections 32.003(b) and (c), Estates Code, as
4 amended by this Act, apply only to a probate proceeding commenced on
5 or after the effective date of this Act. A proceeding commenced
6 before the effective date of this Act is governed by the law in
7 effect on the date the proceeding was commenced, and the former law
8 is continued in effect for that purpose.

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