

BILL ANALYSIS

Senate Research Center
87R2811 KFF-F

H.B. 1297
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Jurisprudence
5/11/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised at the undue burden on court resources while having to track down organizations and institutions in a will contest. Under current law, the court must serve an organization or institution that is a beneficiary. H.B. 1297 will address this concern by ensuring that the contestant in a probate case must serve beneficiaries who are charitable entities instead of the court having to do so. The contestant is in a better position to know who to send requests to since the court does not possess this background information. This will ensure that the beneficiary still receives necessary notice while allowing the court to operate efficiently with no undue burden.

H.B. 1297 amends current law relating to service of process on institutions and organizations in certain probate proceedings.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 55.053, Estates Code, as follows:

Sec. 55.053. SERVICE OF PROCESS. (a) Creates this subsection from existing text. Requires the party contesting a will, rather than the court, to serve an institution or organization that is a necessary party to the contest under Section 55.052 (Necessary Party) in the manner provided by Title 2 (Estates of Decedents; Durable Powers of Attorney) for service on other parties. Makes conforming changes.

(b) Requires the party bringing a will construction suit to serve an institution or organization that is a necessary party to the suit under Section 55.052 in the manner provided by Title 2 for service on other parties.

SECTION 2. Makes application of Section 55.053, Estates Code, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.