

By: Menéndez

S.B. No. 759

A BILL TO BE ENTITLED

AN ACT

relating to the use of remote technology when conducting probate or guardianship proceedings.

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

SECTION 1. Subchapter C, Chapter 53, Estates Code, is amended by adding Section 53.108 to read as follows:

Sec. 53.108. USE OF REMOTE TECHNOLOGY IN PROBATE PROCEEDINGS. (a) In this section, "remote technology" includes teleconference and videoconference technology.

(b) A probate proceeding conducted through remote technology is considered to be conducted in open court. Testimony provided through remote technology in a probate proceeding is considered to be taken in open court. A decision, order, decree, or judgment rendered through remote technology in a probate proceeding is considered to be rendered in open court.

(c) A court that conducts a probate proceeding through remote technology must:

(1) ensure that the public maintains access to the proceeding; and

(2) establish and make readily available to the parties and the public guidelines regarding the conduct of probate proceedings through remote technology.

SECTION 2. Subchapter C, Chapter 1053, Estates Code, is amended by adding Section 1053.106 to read as follows:

1 Sec. 1053.106. USE OF REMOTE TECHNOLOGY IN GUARDIANSHIP
2 PROCEEDINGS. (a) In this section, "remote technology" includes
3 teleconference and videoconference technology.

4 (b) A guardianship proceeding conducted through remote
5 technology is considered to be conducted in open court. Testimony
6 provided through remote technology in a guardianship proceeding is
7 considered to be taken in open court. A decision, order, decree, or
8 judgment rendered through remote technology in a guardianship
9 proceeding is considered to be rendered in open court.

10 (c) A court that conducts a guardianship proceeding through
11 remote technology must:

12 (1) ensure that the public maintains access to the
13 proceeding; and

14 (2) establish and make readily available to the
15 parties and the public guidelines regarding the conduct of
16 guardianship proceedings through remote technology.

17 SECTION 3. The changes in law made by this Act apply to a
18 probate or guardianship proceeding that is pending on, or commenced
19 on or after, the effective date of this Act.

20 SECTION 4. This Act takes effect September 1, 2021.