

## **BILL ANALYSIS**

Senate Research Center  
89R788 KFF-D

S.B. 302  
By: Perry  
Jurisprudence  
4/7/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires the county judge, if a party to a probate proceeding files a motion for the assignment of a statutory probate court judge to hear a contested case, to assign the case to a probate judge. Only 12 counties have permanent probate courts, so the remaining counties must pay for a traveling probate judge to hear these contested cases. Currently, counties are not reimbursed for the costs of requesting a probate court judge to hear a case in a county without a permanent probate court.

There have been calls to update state law pertaining to the costs incurred by traveling probate judges. This bill seeks to address this issue by requiring parties of a contested probate proceeding to reimburse the county for the costs of a traveling probate judge.

As proposed, S.B. 302 amends current law relating to the payment of certain costs associated with certain assignments of a statutory probate court judge.

### **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 Subchapter B, Chapter 352, Estates Code, by adding Section 352.054, as follows:

Sec. 352.054. REIMBURSEMENT FOR CERTAIN COSTS FOR ASSIGNED JUDGE. Requires a statutory probate court judge assigned to hear a contested matter on the motion under Section 32.003 (Jurisdiction of Contested Probate Proceeding in County With No Statutory Probate Court or Statutory County Court) of a party to the proceeding, to the extent possible, to order the estate to reimburse a county for any amounts the county paid as compensation and expenses in accordance with Section 25.0022(o-1), Government Code.

SECTION 2. Amends Section 25.0022, Government Code, by adding Subsection (o-1) and amending Subsection (p), as follows:

(o-1) Requires an assigned statutory probate court judge, if a party to a probate proceeding files a motion for the assignment of the statutory probate court judge to hear a contested matter in the proceeding under Section 32.003, Estates Code, and the motion is granted, to:

(1) to the extent possible, order that the county be reimbursed for any amounts the county paid as compensation and expenses under Subsections (o) (relating to requiring the county in which the assigned judge served to pay out of the general fund of the county) and (p) from the estate under Section 352.054, Estates Code, and from the parties to the proceeding; and

(2) prescribe the amount and manner by which the compensation and expenses described by Subdivision (1) are to be equitably apportioned among the estate and parties, as applicable.

(p) Requires the county in which a judge who is assigned to a court outside the county of the judge's residence served, subject to Subsection (o-1), to pay the additional compensation from the county's general fund on certification by the presiding judge. Makes a nonsubstantive change.

SECTION 3. Makes application of Section 25.0022, Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2025.