

1-1 By: Zaffirini S.B. No. 615  
1-2 (In the Senate - Filed February 8, 2021; March 11, 2021,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 12, 2021, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 12, 2021,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 615 By: Huffman

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to probate and guardianship matters and proceedings and  
1-18 other matters involving probate courts.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 30.014(a), Civil Practice and Remedies  
1-21 Code, is amended to read as follows:

1-22 (a) In a civil action, including a probate or guardianship  
1-23 proceeding, filed in a district court, county court, ~~or~~ statutory  
1-24 county court, or statutory probate court, each party or the party's  
1-25 attorney shall include in its initial pleading:

1-26 (1) the last three numbers of the party's driver's  
1-27 license number, if the party has been issued a driver's license; and

1-28 (2) the last three numbers of the party's social  
1-29 security number, if the party has been issued a social security  
1-30 number.

1-31 SECTION 2. Section 33.101, Estates Code, is amended to read  
1-32 as follows:

1-33 Sec. 33.101. TRANSFER TO OTHER COUNTY IN WHICH VENUE IS  
1-34 PROPER. If probate proceedings involving the same estate are  
1-35 commenced in more than one county and the court making a  
1-36 determination of venue as provided by Section 33.053 determines  
1-37 that venue is proper in another county, the court clerk shall make  
1-38 and retain a copy of the entire file in the case and transmit the  
1-39 original file in electronic or paper form to the court in the county  
1-40 in which venue is proper. The court to which the file is  
1-41 transmitted shall conduct the proceeding in the same manner as if  
1-42 the proceeding had originally been commenced in that county.

1-43 SECTION 3. Section 33.102(a), Estates Code, is amended to  
1-44 read as follows:

1-45 (a) If it appears to the court at any time before the final  
1-46 order in a probate proceeding is rendered that the court does not  
1-47 have priority of venue over the proceeding, the court shall, on the  
1-48 application of an interested person, transfer the proceeding to the  
1-49 proper county by transmitting to the proper court in that county in  
1-50 electronic or paper form:

1-51 (1) the original file in the case; and

1-52 (2) certified copies of all entries that have been  
1-53 made in the judge's probate docket in the proceeding.

1-54 SECTION 4. Section 33.103, Estates Code, is amended by  
1-55 adding Subsection (c) to read as follows:

1-56 (c) The transmittal under Subsection (b) of the original  
1-57 file and the certified copy of the index may be in electronic or  
1-58 paper form, except that an original will filed in the probate  
1-59 proceeding, if any, must be delivered to the court to which the  
1-60 proceeding is transferred.

2-1 SECTION 5. Section 51.003(b), Estates Code, is amended to  
2-2 read as follows:

2-3 (b) A citation or notice issued by the county clerk must be  
2-4 styled "The State of Texas" and be signed by the clerk under the  
2-5 court's ~~[clerk's]~~ seal.

2-6 SECTION 6. Section 202.054, Estates Code, is amended to  
2-7 read as follows:

2-8 Sec. 202.054. PERSONAL SERVICE OF CITATION MAY BE REQUIRED.

2-9 (a) The court may require that service of citation in a proceeding  
2-10 to declare heirship be made by personal service on some or all of  
2-11 those named as distributees in the application filed under Section  
2-12 202.005.

2-13 (b) If a distributee to be cited under Subsection (a) is  
2-14 absent from or is not a resident of this state, any disinterested  
2-15 person competent to make an oath that the citation was served may  
2-16 serve the citation.

2-17 SECTION 7. Section 351.351, Estates Code, is amended to  
2-18 read as follows:

2-19 Sec. 351.351. APPLICABILITY. This subchapter does not  
2-20 apply to:

2-21 (1) the appointment of an independent executor or  
2-22 administrator under Section 401.002 or 401.003(a); or

2-23 (2) the appointment of a successor independent  
2-24 administrator ~~[executor]~~ under Section 404.005.

2-25 SECTION 8. Section 404.0036(b), Estates Code, is amended to  
2-26 read as follows:

2-27 (b) If an independent executor is removed by the court under  
2-28 Section 404.003 or 404.0035, the court may, on application, appoint  
2-29 a successor independent administrator ~~[executor]~~ as provided by  
2-30 Section 404.005.

2-31 SECTION 9. The heading to Section 404.005, Estates Code, is  
2-32 amended to read as follows:

2-33 Sec. 404.005. COURT-APPOINTED SUCCESSOR INDEPENDENT  
2-34 ADMINISTRATOR ~~[EXECUTOR]~~.

2-35 SECTION 10. Sections 404.005(a), (b), (c), (h), and (i),  
2-36 Estates Code, are amended to read as follows:

2-37 (a) If the will of a person who dies testate names an  
2-38 independent executor who, having qualified, fails for any reason to  
2-39 continue to serve, or is removed for cause by the court, and the  
2-40 will does not name a successor independent executor or if each  
2-41 successor executor named in the will fails for any reason to qualify  
2-42 as executor or indicates by affidavit filed with the application  
2-43 for an order continuing independent administration the successor  
2-44 executor's inability or unwillingness to serve as successor  
2-45 independent executor, all of the distributees of the decedent as of  
2-46 the filing of the application for an order continuing independent  
2-47 administration may apply to the probate court for the appointment  
2-48 of a qualified person, firm, or corporation to serve as successor  
2-49 independent administrator ~~[executor]~~. If the probate court finds  
2-50 that continued administration of the estate is necessary, the court  
2-51 shall enter an order continuing independent administration and  
2-52 appointing the person, firm, or corporation designated in the  
2-53 application as successor independent administrator ~~[executor]~~,  
2-54 unless the probate court finds that it would not be in the best  
2-55 interest of the estate to do so. The successor independent  
2-56 administrator ~~[executor]~~ shall serve with all of the powers and  
2-57 privileges granted to the successor's predecessor independent  
2-58 executor.

2-59 (b) Except as otherwise provided by this subsection, if a  
2-60 distributee described in this section is an incapacitated person,  
2-61 the guardian of the person of the distributee may sign the  
2-62 application on behalf of the distributee. If the probate court  
2-63 finds that either the continuing of independent administration or  
2-64 the appointment of the person, firm, or corporation designated in  
2-65 the application as successor independent administrator ~~[executor]~~  
2-66 would not be in the best interest of the incapacitated person, then,  
2-67 notwithstanding Subsection (a), the court may not enter an order  
2-68 continuing independent administration of the estate. If the  
2-69 distributee is an incapacitated person and has no guardian of the

3-1 person, the court may appoint a guardian ad litem to make  
 3-2 application on behalf of the incapacitated person if the probate  
 3-3 court considers such an appointment necessary to protect the  
 3-4 interest of that distributee. If a distributee described in this  
 3-5 section is a minor and has no guardian of the person, a natural  
 3-6 guardian of the minor may sign the application for the order  
 3-7 continuing independent administration on the minor's behalf unless  
 3-8 a conflict of interest exists between the minor and the natural  
 3-9 guardian.

3-10 (c) Except as otherwise provided by this subsection, if a  
 3-11 trust is created in the decedent's will or if the decedent's will  
 3-12 devises property to a trustee as described by Section 254.001, the  
 3-13 person or class of persons entitled to receive property outright  
 3-14 from the trust on the decedent's death and those first eligible to  
 3-15 receive the income from the trust, determined as if the trust were  
 3-16 to be in existence on the date of the filing of the application for  
 3-17 an order continuing independent administration, shall, for the  
 3-18 purposes of this section, be considered to be the distributee or  
 3-19 distributees on behalf of the trust, and any other trust or trusts  
 3-20 coming into existence on the termination of the trust, and are  
 3-21 authorized to apply for an order continuing independent  
 3-22 administration on behalf of the trust without the consent or  
 3-23 agreement of the trustee or any other beneficiary of the trust, or  
 3-24 the trustee or any beneficiary of any other trust which may come  
 3-25 into existence on the termination of the trust. If a person  
 3-26 considered to be a distributee under this subsection is an  
 3-27 incapacitated person, the trustee or cotrustee may apply for the  
 3-28 order continuing independent administration or sign the  
 3-29 application on the incapacitated person's behalf if the trustee or  
 3-30 cotrustee is not the person proposed to serve as the independent  
 3-31 administrator ~~executor~~.

3-32 (h) If a successor independent administrator ~~executor~~ is  
 3-33 appointed under this section, then, unless the probate court shall  
 3-34 waive bond on application for waiver, the successor independent  
 3-35 administrator ~~executor~~ shall be required to enter into bond  
 3-36 payable to and to be approved by the judge and the judge's  
 3-37 successors in a sum that is found by the judge to be adequate under  
 3-38 all circumstances, or a bond with one surety in an amount that is  
 3-39 found by the judge to be adequate under all circumstances, if the  
 3-40 surety is an authorized corporate surety.

3-41 (i) Absent proof of fraud or collusion on the part of a  
 3-42 judge, the judge may not be held civilly liable for the commission  
 3-43 of misdeeds or the omission of any required act of any person, firm,  
 3-44 or corporation designated as a successor independent administrator  
 3-45 ~~executor~~ under this section. Section 351.354 does not apply to an  
 3-46 appointment of a successor independent administrator ~~executor~~  
 3-47 under this section.

3-48 SECTION 11. Section 452.006, Estates Code, is amended by  
 3-49 adding Subsection (c) to read as follows:

3-50 (c) The appointee shall file with the court proof of service  
 3-51 of the notice required under Subsection (a) in the manner provided  
 3-52 by Section 51.103(b)(3).

3-53 SECTION 12. Section 503.002, Estates Code, is amended to  
 3-54 read as follows:

3-55 Sec. 503.002. RECORDING OF CERTAIN FOREIGN TESTAMENTARY  
 3-56 INSTRUMENTS IN LANGUAGE OTHER THAN ENGLISH [ORIGINAL SIGNATURES NOT  
 3-57 REQUIRED]. (a) An authenticated copy of a will or other  
 3-58 testamentary instrument described by Section 503.001(a), along  
 3-59 with a copy of the judgment, order, or decree by which the  
 3-60 instrument was admitted to probate that has the attestation and  
 3-61 certificate required by Section 501.002(c), that is written in  
 3-62 whole or in part in a language other than English may be filed for  
 3-63 recording in the deed records in any county in this state in which  
 3-64 the land conveyed or disposed of in the instrument is located if:

3-65 (1) a correct English translation is recorded with the  
 3-66 authenticated copies of the will or other testamentary instrument  
 3-67 and judgment, order, or decree by which the instrument was admitted  
 3-68 to probate; and

3-69 (2) the accuracy of the translation is sworn to before

4-1 an officer authorized to administer oaths [~~Notwithstanding Section~~  
4-2 ~~501.002(c), the original signatures required by that section may~~  
4-3 ~~not be required for a recordation in the deed records in accordance~~  
4-4 ~~with Section 503.001 or for a purpose described by Section 503.051~~  
4-5 ~~or 503.052].~~

4-6 (b) The recording of an authenticated copy of a will or  
4-7 other testamentary instrument and a copy of the judgment, order, or  
4-8 decree in the manner provided by Subsection (a) operates as  
4-9 constructive notice from the date of filing to all persons of the:

- 4-10 (1) existence of the instrument; and
- 4-11 (2) title or titles conferred by the instrument.

4-12 SECTION 13. Section 1023.006, Estates Code, is amended to  
4-13 read as follows:

4-14 Sec. 1023.006. TRANSFER OF RECORD. When an order of  
4-15 transfer is made under Section 1023.005, the clerk shall record any  
4-16 unrecorded papers of the guardianship required to be recorded. On  
4-17 payment of the clerk's fee, the clerk shall transmit in electronic  
4-18 or paper form to the county clerk of the county to which the  
4-19 guardianship was ordered transferred:

- 4-20 (1) the case file of the guardianship proceedings; and
- 4-21 (2) a certified copy of the index of the guardianship  
4-22 records.

4-23 SECTION 14. Section 1023.007, Estates Code, is amended to  
4-24 read as follows:

4-25 Sec. 1023.007. TRANSFER EFFECTIVE. The order transferring  
4-26 a guardianship does not take effect until:

- 4-27 (1) the case file and a certified copy of the index  
4-28 required by Section 1023.006 are filed in electronic or paper form  
4-29 in the office of the county clerk of the county to which the  
4-30 guardianship was ordered transferred; and

- 4-31 (2) a certificate under the clerk's official seal and  
4-32 reporting the filing of the case file and a certified copy of the  
4-33 index is filed in electronic or paper form in the court ordering the  
4-34 transfer by the county clerk of the county to which the guardianship  
4-35 was ordered transferred.

4-36 SECTION 15. Section 1051.003(b), Estates Code, is amended  
4-37 to read as follows:

- 4-38 (b) A citation or notice issued by the county clerk must be  
4-39 styled "The State of Texas" and be signed by the clerk under the  
4-40 court's [clerk's] seal.

4-41 SECTION 16. The heading to Chapter 1054, Estates Code, is  
4-42 amended to read as follows:

4-43 CHAPTER 1054. COURT OFFICERS, ~~[AND]~~ COURT-APPOINTED PERSONS, AND  
4-44 ATTORNEYS

4-45 SECTION 17. The heading to Subchapter E, Chapter 1054,  
4-46 Estates Code, is amended to read as follows:

4-47 SUBCHAPTER E. QUALIFICATIONS TO SERVE AS ~~[COURT-APPOINTED]~~  
4-48 ATTORNEY

4-49 SECTION 18. Section 1054.201, Estates Code, is amended by  
4-50 amending Subsection (a) and adding Subsection (c) to read as  
4-51 follows:

- 4-52 (a) Except as provided by Subsection (c), an [An] attorney  
4-53 representing any person's interests [for an applicant for  
4-54 guardianship and a court-appointed attorney] in a guardianship  
4-55 proceeding, including an attorney ad litem, must be certified by  
4-56 the State Bar of Texas, or a person or other entity designated by  
4-57 the state bar, as having successfully completed a course of study in  
4-58 guardianship law and procedure sponsored by the state bar or the  
4-59 state bar's designee.

- 4-60 (c) An attorney may commence representation of a person's  
4-61 interests and file an appearance in a guardianship proceeding  
4-62 before completing the course required for certification under  
4-63 Subsection (a), but must complete the course not later than the 14th  
4-64 day after the date of filing the appearance and before filing any  
4-65 substantive motion in the guardianship proceeding.

4-66 SECTION 19. Section 1101.001(b), Estates Code, is amended  
4-67 to read as follows:

- 4-68 (b) The application must be sworn to by the applicant and  
4-69 state:

- 5-1 (1) the proposed ward's name, sex, date of birth, and  
5-2 address;
- 5-3 (2) the name, former name, if any, relationship, and  
5-4 address of the person the applicant seeks to have appointed as  
5-5 guardian;
- 5-6 (3) whether guardianship of the person or estate, or  
5-7 both, is sought;
- 5-8 (3-a) whether alternatives to guardianship and  
5-9 available supports and services to avoid guardianship were  
5-10 considered;
- 5-11 (3-b) whether any alternatives to guardianship and  
5-12 supports and services available to the proposed ward considered are  
5-13 feasible and would avoid the need for a guardianship;
- 5-14 (4) the nature and degree of the alleged incapacity,  
5-15 the specific areas of protection and assistance requested, and the  
5-16 limitation or termination of rights requested to be included in the  
5-17 court's order of appointment, including a termination of:
- 5-18 (A) the right of a proposed ward who is 18 years  
5-19 of age or older to vote in a public election;
- 5-20 (B) the proposed ward's eligibility to hold or  
5-21 obtain a license to operate a motor vehicle under Chapter 521,  
5-22 Transportation Code; and
- 5-23 (C) the right of a proposed ward to make personal  
5-24 decisions regarding residence;
- 5-25 (5) the facts requiring the appointment of a guardian;
- 5-26 (6) the interest of the applicant in the appointment  
5-27 of a guardian;
- 5-28 (7) the nature and description of any kind of  
5-29 guardianship existing for the proposed ward in any other state;
- 5-30 (8) the name and address of any person or institution  
5-31 having the care and custody of the proposed ward;
- 5-32 (9) the approximate value and a detailed description  
5-33 of the proposed ward's property, including:
- 5-34 (A) liquid assets, including any compensation,  
5-35 pension, insurance, or allowance to which the proposed ward may be  
5-36 entitled; and
- 5-37 (B) non-liquid assets, including real property;
- 5-38 (10) the name and address of any person whom the  
5-39 applicant knows to hold a power of attorney signed by the proposed  
5-40 ward and a description of the type of power of attorney;
- 5-41 (11) for a proposed ward who is a minor, the following  
5-42 information if known by the applicant:
- 5-43 (A) the name of each of the proposed ward's  
5-44 parents and either the parent's address or that the parent is  
5-45 deceased;
- 5-46 (B) the name and age of each of the proposed  
5-47 ward's siblings, if any, and either the sibling's address or that  
5-48 the sibling is deceased; and
- 5-49 (C) if each of the proposed ward's parents and  
5-50 adult siblings are deceased, the names and addresses of the  
5-51 proposed ward's other living relatives who are related to the  
5-52 proposed ward within the third degree by consanguinity and who are  
5-53 adults;
- 5-54 (12) for a proposed ward who is a minor, whether the  
5-55 minor was the subject of a legal or conservatorship proceeding in  
5-56 the preceding two years and, if so:
- 5-57 (A) the court involved;
- 5-58 (B) the nature of the proceeding; and
- 5-59 (C) any final disposition of the proceeding;
- 5-60 (13) for a proposed ward who is an adult, the following  
5-61 information if known by the applicant:
- 5-62 (A) the name of the proposed ward's spouse, if  
5-63 any, and either the spouse's address or that the spouse is deceased;
- 5-64 (B) the name of each of the proposed ward's  
5-65 parents and either the parent's address or that the parent is  
5-66 deceased;
- 5-67 (C) the name and age of each of the proposed  
5-68 ward's siblings, if any, and either the sibling's address or that  
5-69 the sibling is deceased;

6-1 (D) the name and age of each of the proposed  
 6-2 ward's children, if any, and either the child's address or that the  
 6-3 child is deceased; and

6-4 (E) if there is no living spouse, parent, adult  
 6-5 sibling, or adult child of the proposed ward, the names and  
 6-6 addresses of the proposed ward's other living relatives who are  
 6-7 related to the proposed ward within the third degree by  
 6-8 consanguinity and who are adults;

6-9 (14) facts showing that the court has venue of the  
 6-10 proceeding; and

6-11 (15) if applicable, that the person whom the applicant  
 6-12 seeks to have appointed as a guardian is a private professional  
 6-13 guardian who is certified under Subchapter C, Chapter 155,  
 6-14 Government Code, and has complied with the requirements of  
 6-15 Subchapter G, Chapter 1104.

6-16 SECTION 20. Section 1101.153(a), Estates Code, is amended  
 6-17 to read as follows:

6-18 (a) A court order appointing a guardian must:

6-19 (1) specify:

6-20 (A) [~~(1)~~] the name of the person appointed;

6-21 (B) [~~(2)~~] the name of the ward;

6-22 (C) [~~(3)~~] whether the guardian is of the person  
 6-23 or estate of the ward, or both;

6-24 (D) [~~(4)~~] the amount of any bond required;

6-25 (E) [~~(5)~~] if it is a guardianship of the estate  
 6-26 of the ward and the court considers an appraisal to be necessary,  
 6-27 one, two, or three disinterested persons to appraise the estate and  
 6-28 to return the appraisal to the court; and

6-29 (F) [~~(6)~~] that the clerk will issue letters of  
 6-30 guardianship to the person appointed when the person has qualified  
 6-31 according to law; and

6-32 (2) if the court waives the guardian's training  
 6-33 requirement, contain a finding that the waiver is in accordance  
 6-34 with rules adopted by the supreme court under Section 155.203,  
 6-35 Government Code.

6-36 SECTION 21. Subchapter A, Chapter 1151, Estates Code, is  
 6-37 amended by adding Section 1151.005 to read as follows:

6-38 Sec. 1151.005. LEGAL PROCEEDINGS IN WHICH WARD IS PARTY OR  
 6-39 WITNESS. The guardian of the person or of the estate of a ward may  
 6-40 not be excluded from attending a legal proceeding in which the ward  
 6-41 is:

6-42 (1) a party; or

6-43 (2) participating as a witness.

6-44 SECTION 22. Section 1251.005, Estates Code, is amended to  
 6-45 read as follows:

6-46 Sec. 1251.005. CITATION AND NOTICE OF APPLICATION. (a) On  
 6-47 the filing of an application for temporary guardianship, the court  
 6-48 clerk shall issue:

6-49 (1) citation [~~notice~~] to be served on:

6-50 (A) [~~(1)~~] the proposed ward; and

6-51 (B) [~~(2)~~] the proposed ward's appointed attorney;  
 6-52 and

6-53 [~~(3)~~] the proposed temporary guardian named in the  
 6-54 application, if that person is not the applicant; and

6-55 (2) notice to be served on the proposed ward's  
 6-56 appointed attorney.

6-57 (b) The citation or notice issued as provided by Subsection  
 6-58 (a) must describe:

6-59 (1) the rights of the parties; and

6-60 (2) the date, time, place, purpose, and possible  
 6-61 consequences of a hearing on the application.

6-62 (b-1) The citation issued as provided by Subsection (a) must  
 6-63 contain a statement regarding the authority of a person under  
 6-64 Section 1051.252 who is interested in the estate or welfare of a  
 6-65 proposed ward or, if a guardianship is created, the ward to file  
 6-66 with the county clerk a written request to be notified of all, or  
 6-67 any specified, motions, applications, or pleadings filed with  
 6-68 respect to the temporary guardianship proceeding by any person or  
 6-69 by a person specifically designated in the request.

7-1 (c) A copy of the application must be attached to the  
7-2 citation or notice.

7-3 SECTION 23. The heading to Section 1251.153, Estates Code,  
7-4 is amended to read as follows:

7-5 Sec. 1251.153. DELIVERY OF ESTATE, FILING OF FINAL REPORT,  
7-6 AND[+] DISCHARGE OF TEMPORARY GUARDIAN.

7-7 SECTION 24. Section 1251.153, Estates Code, is amended by  
7-8 adding Subsection (a-1) and amending Subsection (b) to read as  
7-9 follows:

7-10 (a-1) At the expiration of a temporary guardianship of the  
7-11 person, the temporary guardian shall file with the court clerk a  
7-12 final report that:

7-13 (1) if the ward is living, describes each reason the  
7-14 temporary guardianship of the person expired, including a statement  
7-15 of facts regarding whether the temporary guardianship expired  
7-16 because:

7-17 (A) the ward was found by the court to have full  
7-18 capacity, or sufficient capacity with supports and services, to  
7-19 care for himself or herself;

7-20 (B) alternatives to guardianship have been  
7-21 established to meet the needs of the ward; or

7-22 (C) a permanent guardian appointed by the court  
7-23 has qualified to serve as the ward's guardian; or

7-24 (2) if the ward is deceased, includes the date and  
7-25 place of death, if known, in the form and manner of the report  
7-26 required to be filed by a guardian of the person under Section  
7-27 1163.103.

7-28 (b) On proof of delivery under Subsection (a) and approval  
7-29 by the court of a final report filed with the court clerk under  
7-30 Subsection (a-1), as applicable:

7-31 (1) the temporary guardian shall be discharged; and

7-32 (2) the sureties on the temporary guardian's bond  
7-33 shall be released as to future liability.

7-34 SECTION 25. Section 1253.001, Estates Code, is amended to  
7-35 read as follows:

7-36 Sec. 1253.001. APPLICATION TO TRANSFER GUARDIANSHIP TO  
7-37 FOREIGN JURISDICTION. On application of the guardian or on the  
7-38 court's own motion, a [A guardian of the person or estate may apply  
7-39 to the] court that has jurisdiction over the guardianship may [to]  
7-40 transfer the guardianship to a court in a foreign jurisdiction to  
7-41 which the ward has permanently moved.

7-42 SECTION 26. Section 25.0006, Government Code, is amended by  
7-43 amending Subsection (a) and adding Subsection (a-5) to read as  
7-44 follows:

7-45 (a) Notwithstanding any other law except Subsection (a-4),  
7-46 Subsections (a-1), (a-2), [and] (a-3), and (a-5) control over a  
7-47 specific provision for a particular court or county that attempts  
7-48 to create a requirement for a bond or insurance that conflicts with  
7-49 those subsections.

7-50 (a-5) A bond executed under Subsection (a-1) by the judge  
7-51 elected or appointed to a statutory county court or an insurance  
7-52 policy obtained under Subsection (a-3) shall provide the same  
7-53 coverage to a visiting judge assigned to the court or associate  
7-54 judge appointed to serve the court as the bond or insurance policy  
7-55 provides to the judge elected or appointed to the court.

7-56 SECTION 27. Section 25.00231, Government Code, is amended  
7-57 by adding Subsection (f) to read as follows:

7-58 (f) Notwithstanding Subsection (e), a bond executed under  
7-59 Subsection (b) by the judge elected or appointed to a statutory  
7-60 probate court or an insurance policy obtained under Subsection (c)  
7-61 shall provide the same coverage to a visiting judge assigned to the  
7-62 court or to an associate judge appointed by the court as the bond or  
7-63 insurance policy provides to the judge elected or appointed to the  
7-64 court.

7-65 SECTION 28. Section 25.0027, Government Code, is amended to  
7-66 read as follows:

7-67 Sec. 25.0027. JURIES; PRACTICE AND PROCEDURE. The drawing  
7-68 of jury panels, selection of jurors, and practice in the statutory  
7-69 probate courts must conform to that prescribed by law for county

8-1 courts, except that practice, procedure, rules of evidence,  
 8-2 issuance of process and writs, juries, including the number of  
 8-3 jurors provided the parties to a proceeding may agree to try a  
 8-4 particular case with fewer than 12 jurors, and all other matters  
 8-5 pertaining to the conduct of trials and hearings in the statutory  
 8-6 probate courts involving those matters of concurrent jurisdiction  
 8-7 with district courts are governed by the laws and rules pertaining  
 8-8 to district courts.

8-9 SECTION 29. Section 74.141, Government Code, is amended to  
 8-10 read as follows:

8-11 Sec. 74.141. DEFENSE OF JUDGES. The attorney general shall  
 8-12 defend a state district judge, a presiding judge of an  
 8-13 administrative region, the presiding judge of the statutory probate  
 8-14 courts, a visiting judge assigned to hear a guardianship or probate  
 8-15 matter by the presiding judge of the statutory probate courts, or an  
 8-16 active, retired, or former judge assigned under this chapter in any  
 8-17 action or suit in any court in which the judge is a defendant  
 8-18 because of his office or capacity as judge if the judge requests the  
 8-19 attorney general's assistance in the defense of the suit.

8-20 SECTION 30. Section 81.114, Government Code, is amended by  
 8-21 amending Subsection (a) and adding Subsection (e) to read as  
 8-22 follows:

8-23 (a) The state bar shall provide a course of instruction for  
 8-24 attorneys who represent any person's interests [~~parties~~] in  
 8-25 guardianship cases or who serve as court-appointed guardians.

8-26 (e) The course of instruction described by this section must  
 8-27 be low-cost and available to persons throughout this state,  
 8-28 including on the Internet provided through the state bar.

8-29 SECTION 31. Section 155.205(b), Government Code, is amended  
 8-30 to read as follows:

8-31 (b) The commission shall obtain:

8-32 (1) fingerprint-based criminal history record  
 8-33 information of a proposed guardian [~~an applicant~~] if:

8-34 (A) the liquid assets of the estate of a ward  
 8-35 exceed \$50,000; or

8-36 (B) the proposed guardian is not a resident of  
 8-37 this state; or

8-38 (2) name-based criminal history record information of  
 8-39 a proposed guardian, including any criminal history record  
 8-40 information under the current name and all former names of the  
 8-41 proposed guardian, [an applicant] if:

8-42 (A) the liquid assets of the estate of a ward are  
 8-43 \$50,000 or less; and

8-44 (B) the proposed guardian is a resident of this  
 8-45 state.

8-46 SECTION 32. (a) Section 202.054, Estates Code, as amended  
 8-47 by this Act, applies only to a proceeding to declare heirship  
 8-48 commenced on or after the effective date of this Act. A proceeding  
 8-49 to declare heirship commenced before that date is governed by the  
 8-50 law in effect on the date the proceeding was commenced, and the  
 8-51 former law is continued in effect for that purpose.

8-52 (b) Section 452.006(c), Estates Code, as added by this Act,  
 8-53 applies only to a temporary administrator appointed on or after the  
 8-54 effective date of this Act. A temporary administrator appointed  
 8-55 before the effective date of this Act is governed by the law in  
 8-56 effect on the date the administrator was appointed, and the former  
 8-57 law is continued in effect for that purpose.

8-58 (c) Section 503.002, Estates Code, as amended by this Act,  
 8-59 applies only to a copy of a testamentary instrument or other  
 8-60 document filed for recording on or after the effective date of this  
 8-61 Act. A copy of a testamentary instrument or other document filed  
 8-62 before the effective date of this Act is governed by the law in  
 8-63 effect on the date the instrument or document was filed, and the  
 8-64 former law is continued in effect for that purpose.

8-65 (d) Sections 1101.001 and 1251.005, Estates Code, as  
 8-66 amended by this Act, apply only to an application for the  
 8-67 appointment of a guardian or temporary guardian filed on or after  
 8-68 the effective date of this Act. An application for the appointment  
 8-69 of a guardian or temporary guardian filed before the effective date



9-1 of this Act is governed by the law in effect on the date the  
9-2 application was filed, and the former law is continued in effect for  
9-3 that purpose.

9-4 (e) Sections 1054.201 and 1101.153, Estates Code, as  
9-5 amended by this Act, and Section 155.205, Government Code, as  
9-6 amended by this Act, apply only to a guardianship proceeding  
9-7 commenced on or after the effective date of this Act. A  
9-8 guardianship proceeding commenced before the effective date of this  
9-9 Act is governed by the law applicable to the proceeding immediately  
9-10 before the effective date of this Act, and the former law is  
9-11 continued in effect for that purpose.

9-12 (f) Sections 1251.153 and 1253.001, Estates Code, as  
9-13 amended by this Act, apply to a guardianship created before, on, or  
9-14 after the effective date of this Act.

9-15 (g) The changes in law made by this Act to Sections 25.0006  
9-16 and 25.00231, Government Code, apply only to an insurance policy  
9-17 delivered, issued for delivery, or renewed on or after January 1,  
9-18 2022. An insurance policy delivered, issued for delivery, or  
9-19 renewed before January 1, 2022, is governed by the law as it existed  
9-20 immediately before the effective date of this Act, and that law is  
9-21 continued in effect for that purpose.

9-22 (h) Section 74.141, Government Code, as amended by this Act,  
9-23 applies to a cause of action filed on or after the effective date of  
9-24 this Act. A cause of action filed before the effective date of this  
9-25 Act is governed by the law in effect immediately before the  
9-26 effective date of this Act, and that law is continued in effect for  
9-27 that purpose.

9-28 SECTION 33. This Act takes effect September 1, 2021.

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