

## **BILL ANALYSIS**

S.B. 512  
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Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that it is cost-prohibitive for many Texans to hire an attorney to draft or probate a will and point out that legal aid provides assistance to only a small portion of people in need. Accordingly, many people neglect writing a will and others self-prepare wills lacking essential language to make the will legally effective. The parties explain that when a valid will does not exist, property may be given informally to the person that the decedent wanted to have the property, but legal title does not transfer. Without legal title, disputes of co-ownership can arise and the person in possession cannot sell the property, use it as a collateral on a loan, or qualify for property tax exemptions for which the person would otherwise be eligible. To address this issue, S.B. 512 seeks to direct the Supreme Court of Texas to develop standardized forms for use in certain probate matters.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 512 amends the Government Code to require the Supreme Court of Texas to promulgate, as the court considers appropriate, forms for use by individuals representing themselves in certain probate matters, including forms for use in a small estate affidavit proceeding and for use in the probate of a will as a muniment of title, simple will forms tailored based on marital status and age of children, if any, and instructions for the proper use of each form or set of forms. The bill requires the forms and instructions to be written in plain language that is easy for the general public to understand, to be made readily available to the general public in the manner prescribed by the supreme court, and to be translated into the Spanish language.

S.B. 512 requires the Spanish language translation of such a form either to state that the Spanish language translated form is to be used solely for the purpose of assisting in understanding the form and may not be submitted to the probate court and that the English language version of the form must be submitted to the probate court, or to be incorporated into the English language version of the form in a manner that is understandable to both the probate court and members of the general public.

S.B. 512 requires each form and its instructions to clearly and conspicuously state that the form is not a substitute for the advice of an attorney. The bill requires the clerk of a probate court to inform members of the general public of the availability of a form promulgated by the supreme

court as appropriate and to make the form available free of charge. The bill requires a probate court to accept such a form unless the form has been completed in a manner that causes a substantive defect that cannot be cured.

**EFFECTIVE DATE**

September 1, 2015.