

BILL ANALYSIS

Senate Research Center

S.B. 1004
By: Wentworth
Jurisprudence
3/17/1999
As Filed

DIGEST

Currently, there is some conflict between various appellate courts regarding the jurisdiction of statutory probate courts, particularly regarding the meaning of “appertaining to and incident to.” To ensure that no additional court resources are spent to defend the phrase, S.B. 1004 amends the Probate Code to clarify the legislative intent regarding the jurisdiction of statutory probate courts.

PURPOSE

As proposed, S.B. 1004 amends the Probate Code to clarify the legislative intent regarding the jurisdiction of statutory probate courts in certain guardianship matters.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 607(b), Texas Probate Code, to authorize a statutory probate court to hear all suits filed against or on behalf of any guardianship; and provides that all such suits, actions, and applications are appertaining to and incident to an estate.

SECTION 2. Effective date: September 1, 1999.