

SUBJECT: Allowing remote technology for probate or guardianship proceedings

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Davis, Julie Johnson, Krause, Middleton, Moody,
Schofield, Smith

0 nays

1 absent — Dutton

WITNESSES: For — Melissa Shannon, Bexar County Commissioners Court;
(*Registered, but did not testify*: Thamara Narvaez and Julie Wheeler,
Harris County Commissioners Court; Guy Herman, Travis County
Probate Court; Lauren Hunt)

Against — (*Registered, but did not testify*: Craig Hopper)

BACKGROUND: Interested parties have noted that during the COVID-19 pandemic, the Texas Supreme Court issued emergency orders allowing certain court proceedings to take place using remote technology. Some have called for authorizing the use of remote technology in conducting probate and guardianship proceedings as a way to facilitate easier access for Texans, particularly for elderly or disabled individuals who may have more difficulty traveling to the courthouse.

DIGEST: HB 1447 would allow for the use of remote technology, including teleconference and videoconference technology, in a probate or guardianship proceeding. The bill would establish that a proceeding, testimony, and decision, order, decree, or judgment rendered through remote technology would have been considered to have occurred in open court.

A court that conducted a probate or guardianship proceeding through remote technology would be required to ensure the public maintained access to the proceeding and to establish and make readily available to the

parties and the public guidelines regarding the conduct of proceedings through remote technology.

The bill would take effect September 1, 2021, and would apply to a probate or guardianship proceeding that was pending on or commenced on or after that date.