

BILL ANALYSIS

Senate Research Center

H.B. 3088
By: Hartnett (Wentworth)
Jurisprudence
5-16-97
Committee Report (Substituted)

DIGEST

Current law requires that citation be served upon all distributees in a proceeding to determine heirship, regardless of the age of the distributee. In addition, it is unclear whether a provision requiring that "unknown heirs" be served citation by publication makes it necessary to always publish notice of a proceeding to determine heirship. This bill will provide additional regulations regarding the notice required to be given in a proceeding to determine heirship.

PURPOSE

As proposed, H.B. 3088 provides additional regulations regarding the notice required to be given in a proceeding to determine heirship.

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 Sections 50(a) and (b), Probate Code, to require citation to be served by registered or certified mail upon all distributees 12 years of age or older. Requires citation to be served as provided by this subsection on the parent, managing conservator, or guardian of a distributee who is younger than 12 years of age, if the name and address of the parent, managing conservator, or guardian is known or can be reasonably ascertained. Requires unknown heirs to also be served by publication in the manner provided by this subsection. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 50(b), Probate Code, to require unknown heirs to also be served by publication in the manner provided by this subsection.