

BILL ANALYSIS

Senate Research Center
76R3347 RJA-D

H.B. 1607
By: Thompson (Ellis)
Jurisprudence
5/13/1999
Committee Report (Amended)

DIGEST

Currently, Texas law authorizes parties to choose the forum for a contested case when the constitutional county court is precluded by law from hearing the case. This bill would provide that if a judge of a county court has not transferred a contest probate matter to a district court at the time the party makes a motion to transfer to statutory probate court, then the county court judge is required to transfer the case to a statutory probate court.

PURPOSE

As proposed, H.B. 1607 sets forth procedures for the assignment of a statutory probate judge to hear a contested probate matter.

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 5(b), Texas Probate Code, to require a county court judge (judge) to grant a party's motion for assignment of a statutory probate court judge (motion) and prohibits the judge from transferring the matter to a district court unless the party withdraws the motion, if the judge has not transferred a contested probate matter at the time the party files the motion. Provides that a statutory probate court judge assigned to a contested probate matter has the jurisdiction and authority granted to a statutory probate court by Sections 5A and 5B of this code.

SECTION 2. Amends Section 606(b), Texas Probate Code, to require a judge to grant a party's motion and prohibits the judge from transferring the matter to a district court unless the party withdraws the motion, if the judge has not transferred a contested guardianship matter at the time the party files the motion. Provides that a statutory probate court judge assigned to a contested probate matter has the jurisdiction and authority granted to a statutory probate court by Sections 607 and 608 of this code. Makes a conforming change.

SECTION 3. Emergency clause.
Effective date: upon passage.