

## **BILL ANALYSIS**

Senate Research Center  
80R6182 KLA-D

H.B. 519  
By: Naishtat (Wentworth)  
Jurisprudence  
4/16/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a proper court is authorized to enter an order creating a management trust for the estate of an incapacitated person. This is a power that may be better suited for probate courts.

H.B. 519 authorizes a court exercising probate jurisdiction to enter an order creating a management trust.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 867(b-1), Texas Probate Code, to authorize a proper court exercising probate jurisdiction to enter an order that creates a trust for the management of the estate of an alleged incapacitated person who does not have a guardian in the court after certain conclusions are reached in a hearing on an application by appropriate persons as provided by Subsection (a-1) (regarding certain persons authorized to apply for the creation of a management trust).

SECTION 2. (a) Provides that the amendment made by this Act to Section 867(b-1), Texas Probate Code, is intended to clarify, rather than change, existing law.

(b) Requires a court in which an application for the creation of a management trust under Section 867, Texas Probate Code, is pending on the effective date of this Act that is not a proper court exercising probate jurisdiction, as required by that section to transfer the proceeding to a proper court exercising probate jurisdiction. Provides that all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the court to which the proceeding is transferred as if originally issued by that court. Requires all obligees in all bonds and recognizances taken in and for, and all witnesses summoned to appear in, a court from which a proceeding is transferred, to appear before the court to which a proceeding is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 3. Effective date: September 1, 2007.