

BILL ANALYSIS

Senate Research Center
85R20021 CLG-F

C.S.S.B. 1056
By: Perry
State Affairs
3/30/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires the administrator of a will to travel to the county where the decedent resided or passed away, even if the decedent had no family in that county and the will is uncontested.

Texas covers approximately 268,000 square miles. When a family member passes away who lives far away, a family member may be required to travel long distances, maybe even multiple times, to attend hearings on cases involving the death of an immediate family member.

Interested parties note these travel requirements can place a significant burden on these family members at high costs during a difficult time of grief.

This bill allows the administrator to petition the court, in a case where the decedent had no family and the will is uncontested, to have the probate proceeding moved to the county where the administrator resides.

This bill is limited to probate proceedings where the administrator is an immediate family member. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1056 amends current law relating to the transfer of certain probate proceedings to the county in which the executor or administrator of a decedent's estate resides.

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 Subchapter C, Chapter 33, Estates Code, by adding Section 33.1011, as follows:

Sec. 33.1011. TRANSFER TO COUNTY IN WHICH EXECUTOR OR ADMINISTRATOR RESIDES. (a) Defines "immediate family member."

(b) Authorizes the court, after the issuance in a probate proceeding of letters testamentary or of administration to the executor or administrator of an estate, on motion of the executor or administrator, to order that the proceeding be transferred to another county in this state in which the executor or administrator resides if no immediate family member of the decedent resides in the same county in which the decedent resided.

(c) Requires the clerk of the court from which the probate proceeding described by Subsection (b) is transferred to transmit to the court to which the proceeding is transferred the original file in the proceeding and a certified copy of the index.

SECTION 2. Makes application of Section 33.1011, Estates Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.