

1 AN ACT

2 relating to concurrent guardianship proceedings in this state and
3 in a foreign jurisdiction.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subpart G, Part 5, Chapter XIII, Texas Probate
6 Code, is amended by adding Section 894 to read as follows:

7 Sec. 894. GUARDIANSHIP PROCEEDINGS FILED IN THIS STATE AND
8 IN FOREIGN JURISDICTION. (a) A court in which a guardianship
9 proceeding is filed and in which venue of the proceeding is proper
10 may delay further action in the proceeding in that court if:

11 (1) another guardianship proceeding involving a
12 matter at issue in the proceeding filed in the court is subsequently
13 filed in a court in a foreign jurisdiction; and

14 (2) venue of the proceeding in the foreign court is
15 proper.

16 (b) A court that delays further action in a guardianship
17 proceeding under Subsection (a) of this section shall determine
18 whether venue of the proceeding is more suitable in that court or in
19 the foreign court. In making that determination, the court may
20 consider:

21 (1) the interests of justice;

22 (2) the best interests of the ward or proposed ward;

23 and

24 (3) the convenience of the parties.

1 (c) A court that delays further action under Subsection (a)
2 of this section may issue any order it considers necessary to
3 protect the proposed ward or the proposed ward's estate.

4 (d) The court shall resume the guardianship proceeding if
5 the court determines that venue is more suitable in that court. If
6 the court determines that venue is more suitable in the foreign
7 court, the court shall, with the consent of the foreign court,
8 transfer the proceeding to the foreign court.

9 SECTION 2. Section 894, Texas Probate Code, as added by this
10 Act, applies only to a guardianship proceeding filed on or after the
11 effective date of this Act.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 342 was passed by the House on March 28, 2007, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 342 was passed by the Senate on May 17, 2007, by the following vote: Yeas 31, Nays 0.

Debra Saw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

5 PM O'CLOCK

JUN 15 2007

Roger Minnis
Secretary of State