

1 AN ACT

2 relating to the creation of a trust for the management of an
3 incapacitated person's estate.

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

5 SECTION 1. Section 867(b-1), Texas Probate Code, is amended
6 to read as follows:

7 (b-1) On application by an appropriate person as provided by
8 Subsection (a-1) of this section and regardless of whether an
9 application for guardianship has been filed on the alleged
10 incapacitated person's behalf, a proper court exercising probate
11 jurisdiction may enter an order that creates a trust for the
12 management of the estate of an alleged incapacitated person who
13 does not have a guardian if the court, after a hearing, finds that:

14 (1) the person is an incapacitated person; and

15 (2) the creation of the trust is in the incapacitated
16 person's best interests.

17 SECTION 2. (a) The amendment made by this Act to Section
18 867(b-1), Texas Probate Code, is intended to clarify, rather than
19 change, existing law.

20 (b) A court in which an application for the creation of a
21 management trust under Section 867, Texas Probate Code, is pending
22 on the effective date of this Act and that is not a proper court
23 exercising probate jurisdiction, as required by that section, shall
24 transfer the proceeding to a proper court exercising probate

1 jurisdiction. When a proceeding is transferred from one court to
2 another as provided by this subsection, all processes, writs,
3 bonds, recognizances, or other obligations issued from the
4 transferring court are returnable to the court to which the
5 proceeding is transferred as if originally issued by that court.
6 The obligees in all bonds and recognizances taken in and for a court
7 from which a proceeding is transferred, and all witnesses summoned
8 to appear in a court from which a proceeding is transferred, are
9 required to appear before the court to which a proceeding is
10 transferred as if originally required to appear before the court to
11 which the transfer is made.

12 SECTION 3. This Act takes effect September 1, 2007.

David Newhurst

President of the Senate

Jon Caddick

Speaker of the House

I certify that H.B. No. 519 was passed by the House on April 5, 2007, by the following vote: Yeas 137, Nays 0, 2 present, not voting.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 519 was passed by the Senate on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Daisy Spaw
Secretary of the Senate

APPROVED: 15 JUN 07

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

3 PM O'CLOCK

JUN 15 2007

Roger Williams
Secretary of State