

2015 Legislative Update: Probate Litigation & Beyond

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The 84th session of the Texas Legislature produced several statutory changes that impact not just the probate and guardianship practice, but real estate and family law as well. A small sample of the changes impacting these practice areas is:

Real Estate

A “transfer on death deed” allowing for the non-probate transfer of real estate was created when Chapter 114 of the Estates Code was added.

Family Law

Multiple party bank account designations in favor of a spouse are automatically revoked upon divorce (Estates Code § 123.151).

Guardianship

A common theme was the expansion of the rights of the ward. A ward’s bill of rights was passed (Estates Code § 1151.351), a list of less restrictive alternatives to guardianship was created (§ 1002.0015), ad litem are required to explore those less restrictive alternatives and available support services for the ward (§§ 1054.004, 1054.054), and the pleadings and proof must discuss the availability of the less restrictive alternatives and support services (§§ 1101.101, 1101.151-152).



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