

CHAPTER 463

H.B. No. 364

AN ACT

relating to the inclusion of social security numbers in applications in certain probate proceedings.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 81(a), Texas Probate Code, is amended to read as follows:

(a) For Probate of a Written Will. A written will shall, if within the control of the applicant, be filed with the application for its probate, and shall remain in the custody of the county clerk unless removed therefrom by order of a proper court. An application for probate of a written will shall state:

- (1) The name and domicile of each applicant.
- (2) The name, age if known, and domicile of the decedent, and the fact, time, and place of death.
- (3) Facts showing that the court has venue.
- (4) That the decedent owned real or personal property, or both, describing the same generally, and stating its probable value.
- (5) The date of the will, the name and residence of the executor named therein, if any, and if none be named, then the name and residence of the person to whom it is desired that letters be issued, and also the names and residences of the subscribing witnesses, if any.
- (6) Whether a child or children born or adopted after the making of such will survived the decedent, and the name of each such survivor, if any.
- (7) That such executor or applicant, or other person to whom it is desired that letters be issued, is not disqualified by law from accepting letters.
- (8) Whether the decedent was ever divorced, and if so, when and from whom.
- (9) *The social security number of the applicant and of the decedent.*

The foregoing matters shall be stated and averred in the application to the extent that they are known to the applicant, or can with reasonable diligence be ascertained by him,

and if any of such matters is not stated or averred in the application, the application shall set forth the reason why such matter is not so stated and averred.

SECTION 2. Section 82, Texas Probate Code, is amended to read as follows:

Sec. 82. CONTENTS OF APPLICATION FOR LETTERS OF ADMINISTRATION. An application for letters of administration when no will, written or oral, is alleged to exist shall state:

- (a) The name and domicile of the applicant, relationship to the decedent, if any, and that the applicant is not disqualified by law to act as administrator;
- (b) The name and intestacy of the decedent, and the fact, time and place of death;
- (c) Facts necessary to show venue in the court to which the application is made;
- (d) Whether the decedent owned real or personal property, with a statement of its probable value;
- (e) The name, age, marital status and address, if known, and the relationship, if any, of each heir to the decedent;
- (f) If known by the applicant at the time of the filing of the application, whether children were born to or adopted by the decedent, with the name and the date and place of birth of each;
- (g) If known by the applicant at the time of the filing of the application, whether the decedent was ever divorced, and if so, when and from whom; ~~and~~
- (h) That a necessity exists for administration of the estate, alleging the facts which show such necessity; *and*
- (i) *The social security number of the applicant and of the decedent if known.*

SECTION 3. Section 111, Texas Probate Code, is amended to read as follows:

Sec. 111. APPLICATION FOR APPOINTMENT OF PERMANENT GUARDIAN. A proceeding for the appointment of a guardian shall be begun by written application filed in the court of the county having venue thereof. Any person may make such application. Such application shall state:

- (a) The name, sex, date of birth if a minor, and residence, of the person for whom the appointment of a guardian is sought; and
- (b) If a minor, the names of the parents and next of kin of such persons, and whether either or both of the parents are deceased; and
- (c) A general description of the property comprising such person's estate, if guardianship of the estate is sought; and
- (d) The facts which require that a guardian be appointed; and
- (e) The name, relationship, and address of the person whom the applicant desires to have appointed as guardian; and
- (f) Whether guardianship of the person and estate, or of the person or of the estate, is sought; and
- (g) *The social security number of the applicant and of the person for whom the appointment of a guardian is sought; and*
- (h) Such other facts as show that the court has venue over the proceeding.

SECTION 4. This Act takes effect September 1, 1987, and applies to applications for the probate of written wills, letters of administration, and appointment of permanent guardians filed on or after that date. An application for the probate of written wills, letters of administration, or appointment of a permanent guardian filed before the effective date of this Act is covered by the law as it existed on the date that the application was filed, and that law is continued in effect for that purpose.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1987, by a non-record vote. Passed by the Senate on May 23, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.