



The Issue: Probate Abuse and Accountability

Background:

Texas is the #2 state for retirees, only behind Florida. But Texans are increasingly finding their assets threatened via abuse of probate systems and probate instruments such as wills, trusts, guardianships and powers of attorney. A new trend reveals cases of questionable merit forcing rightful heirs to either expend financial resources defending legitimate inheritances or else become victims of an “inheritance litigation tax” which functionally allows an extortion of estate assets by non-beneficiaries/heirs.

Abuses with wills and trusts usually involve posthumous Involuntary Redistribution of Assets (IRA) actions, but guardianships and powers of attorney facilitate a diversion of assets during an individual’s lifetime.

Law enforcement often treats these cases as family or non-prosecutable disputes thus relegating them to the “pay-to-play” civil court system. The legal industry including lawyers, judges and other court-appointed personnel as well as those involved with social services and related networks can also be regular participants making pursuit of justice all the more challenging.

With Texas’ growing and aging population, the threat of Involuntary Redistribution of Assets (IRA) actions via probate venues and/or probate instruments (wills, trusts, guardianships, powers of attorney) becomes stronger.

For more information, please visit www.EstateofDenial.com.

Current Party Position:

The **Republican Party of Texas, Libertarian Party of Texas, Constitution Party of Texas, Green Party, & Democratic Party** platforms do not include this issue.

Proposed Party Platform Language:

BE IT RESOLVED, that we implore the legislature to review and pass policy that protects wills and estates in probate matters.

Signed:

Who we are: Americans for Prosperity (AFP) is a nationwide organization of citizen leaders committed to advancing every individual’s right to economic freedom and opportunity. AFP believes reducing the size and scope of government is the best safeguard to ensuring individual productivity and prosperity for all Americans. AFP educates and engages citizens in support of restraining state and federal government growth, and returning government to its constitutional limits. For more information, visit www.americansforprosperity.org