

GUARDIANSHIP

04-08-2015 - 11:40:49

HB 39

Smithee, John(R)

Relating to guardianships for incapacitated persons.

Companions: [SB 1224](#) Schwertner, Charles (Identical)
3-17-15 S Introduced and referred to committee on Senate State Affairs

Remarks: Would list less restrictive alternatives to guardianship; direct the court to determine whether alternatives could meet the needs of the person rather than guardianship; require the court to determine if formal and informal supports are in place or available that enable individuals to meet their needs and make decisions so that guardianship may be averted or limited; require additional information from the physician about the proposed incapacitated person; add consideration of the proposed ward's capacity to make decisions about residence; and add training on alternatives to guardianship of the applicant's attorney.

Bill History: 04-07-15 H Committee action pending House Judiciary and Civil Jurisprudence

HB 1333

Naishtat, Elliott(D)

Relating to a request for a customer record of a financial institution for guardianship purposes.

Remarks: Would allow ad litem and investigators in court-initiated guardianship petitions to access private financial records of person proposed for guardianship.

Bill History: 03-05-15 H Introduced and referred to committee on House Human Services

HB 1337

Naishtat, Elliott(D)

Relating to requiring institutions and assisted living facilities to maintain guardianship orders of residents.

Remarks: Would require assisted living facility and institutions to maintain a copy of guardianship orders.

Bill History: 03-05-15 H Introduced and referred to committee on House Human Services

HB 1438

Thompson, Senfronia(D)

Relating to guardianships and other matters related to incapacitated persons.

Remarks: Would require bond of guardian to remain in effect during transfer; deposit person's assets to a financial institution for safekeeping and notice to family of change in guardian.

Bill History: 03-09-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 2665	Moody, Joe(D)	Relating to access to and receipt of certain information regarding a ward by certain relatives of the ward.
	Remarks:	Would allow a child with parent under guardianship to apply to court for visitation and communication and require guardian to inform relatives on changes in status of ward, such as hospitalization or change of residence.
	Bill History:	03-16-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 2733	Thompson, Senfronia(D)	Relating to payment and reimbursement of court costs in a guardianship proceeding.
	Companions:	SB 1622 Rodriguez, Jose (Identical) 3-23-15 S Introduced and referred to committee on Senate State Affairs
	Remarks:	Would set costs of ad litem, court visitors, mental health professionals and interpreters in guardianship proceedings in amount court considers equitable and just.
	Bill History:	03-16-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 2998	Rodriguez, Justin(D)	Relating to adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
	Remarks:	Would add UAGPPA to Estates Code that addresses issues relating to multiple jurisdiction, transfer, and out of state recognition; limiting the power of guardians and conservators; due process and fair proceedings. 42 states use UAGPPA.
	Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 3137	Naishtat, Elliott(D)	Relating to the use of unsworn declarations for filing certain annual reports by guardians of the person.
	Remarks:	Would allow unsworn annual reports from guardian for written and electronic filing. Previously provided unsworn only for electronic.
	Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 3424	Smithee, John(R)	Relating to a central database containing information about certain individuals under guardianship.
	Remarks:	Would require courts to provide names of individuals under guardianship and guardian to TxDPS for a central database for "emergency service providers" including law enforcement, firefighters, and EMS.
	Bill History:	03-17-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence

HB 3643	Naishtat, Elliott(D)	Relating to temporary guardianships pending contest.
Companions:	HB 3645 Naishtat, Elliott (Identical) 3-19-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	
Remarks:	Would end temporary guardianship after six months unless extended by the court.	
Bill History:	03-19-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	

HB 3645	Naishtat, Elliott(D)	Relating to temporary guardianships pending contest.
Companions:	HB 3643 Naishtat, Elliott (Identical) 3-19-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	
Remarks:	Would add language to Estates Code that temporary guardianship ends after six months unless extended by court order. History that people continue to act as guardians ad infinitum.	
Bill History:	03-19-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	

HB 3914	Klick, Stephanie(R)	Relating to certain court-initiated guardianship proceedings involving individuals believed to be incapacitated persons including the appointment of a guardian ad litem or court investigator.
Remarks:	Would allow persons subjected to court-initiated guardianship proceedings the right to due process, including right to petition to set aside, a copy of petition or order and an affidavit of facts by petitioner with a preliminary hearing where interested persons may speak to the circumstances.	
Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	

HB 3930	Hughes, Bryan(R)	Relating to the provision of care and treatment to certain incapacitated persons.
Remarks:	Would add protections for individuals committed to institutional settings by requiring the guardian to personally visit an institution before admission, make monthly visits, and provide timely response to communications from physicians, family members, attorneys, etc.	
Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	

HB 4058	Naishtat, Elliott(D)	Relating to intervention in guardianship proceedings.
Remarks:	Would allow interested person right to intervene in a guardianship proceeding giving court discretion to grant or deny.	
Bill History:	03-23-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence	

SB 512	Zaffirini, Judith(D)	Relating to the promulgation of certain forms for use in probate matters.
		<p>Remarks: Would require Probate courts to provide free forms (including instructions) in plain English and Spanish for simple wills, small estates. Would include a statement that using the form is not a substitute for advice of attorney.</p>
		<p>Bill History: 03-25-15 H Received in the House</p>
SB 1622	Rodriguez, Jose(D)	Relating to payment and reimbursement of court costs in a guardianship proceeding.
		<p>Companions: HB 2733 Thompson, Senfronia (Identical) 3-16-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence</p>
		<p>Remarks: Would require costs of guardianship to first be paid from guardianship estate and then by party to proceeding unless an affidavit of inability to pay costs per Rule 145, Texas Rules of Civil Procedure.</p>
		<p>Bill History: 03-23-15 S Introduced and referred to committee on Senate State Affairs</p>
SB 1665	Ellis, Rodney(D)	Relating to the recusal or disqualification of a statutory probate judge or other judge authorized to hear probate, guardianship, or mental health matters, and the subsequent assignment of another judge.
		<p>Companions: HB 2858 Thompson, Senfronia (Identical) 3-16-15 H Introduced and referred to committee on House Judiciary and Civil Jurisprudence</p>
		<p>Remarks: Would amend rules for recusal of a statutory probate judge by requiring random assignment of a replacement per Texas Rules of Civil Procedure. If judge subject to recusal is a statutory probate judge the Chief Justice would assign the replacement.</p>
		<p>Bill History: 03-23-15 S Introduced and referred to committee on Senate State Affairs</p>
SB 1826	Campbell, Donna(R)	Relating to the regulation of the amount of installed electric generation capacity.
		<p>Bill History: 03-25-15 S Introduced and referred to committee on Senate Natural Resources and Economic Develop</p>
SB 1881	Zaffirini, Judith(D)	Relating to authorizing supported decision-making agreements for certain adults with disabilities.
		<p>Companions: HB 3624 Zedler, Bill (Identical) 3-23-15 H Introduced and referred to committee on House Human Services SB 1912 Perry, Charles (F) (Identical) 3-25-15 S Introduced and referred to committee on Senate Health and Human Services</p>
		<p>Remarks: Would establish supported decision-making as an informal alternative to guardianship where individuals could choose people they trust to help them understand the decisions they need to make and to communicate their decisions to others.</p>
		<p>Bill History: 04-08-15 S Meeting set for 8:00 A.M., SENATE CHAMBER - Senate Health and Human Services</p>

SB 1882

Zaffirini, Judith(D)

Relating to a bill of rights for wards under guardianship.

Remarks: Would list rights that individuals under guardianship get to keep, such as the right to live, work and play in the most integrated setting, visit with people of their choice, and appear before the court to express their preferences or concerns. Would include the right to petition the court and due process.

Bill History: 03-25-15 S Introduced and referred to committee on Senate Health and Human Services

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