

BILL ANALYSIS

Senate Research Center
76R8418 CLG-D

H.B. 2166
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Jurisprudence
5/11/1999
Engrossed

DIGEST

The Department of Protective and Regulatory Services (DPRS) is appointed as guardian in many counties in cases that do not involve abuse, neglect, or exploitation. DPRS is also continuing to serve in many guardianship cases that no longer involve a threat of abuse, neglect, or exploitation. These appointments are expending DPRS resources that can be utilized for emergency situations involving abuse, neglect, or exploitation in which guardianship would be a better solution. Use of DPRS as a full-service guardianship program is more expensive to the state than promoting the growth of local guardianship programs, which many counties have yet to develop. Dependence on DPRS leads courts to believe that their counties do not need local guardianship. H.B. 2166 would establish provisions regarding the appointment of successor guardians for wards of guardianship programs or governmental entities serving as guardians.

PURPOSE

As proposed, H.B. 2166 establishes provisions regarding the appointment of successor guardians for wards of guardianship programs or governmental entities serving as guardians.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subpart A, Part 3, Chapter XIII, Texas Probate Code, by adding Section 695A, as follows:

Sec. 695A. SUCCESSOR GUARDIANS FOR WARDS OF GUARDIANSHIP PROGRAMS OR GOVERNMENTAL ENTITIES. (a) Requires the guardianship program or governmental entity to notify the court in which the guardianship is pending of the individual's willingness and ability, if the program or entity serving as a guardian for a ward becomes aware of a family member or friend of the ward or any other interested party who is willing and able to serve as the ward's successor guardian.

(b) Requires the court, upon notice of the existence of a proposed successor guardian, to determine whether the proposed successor guardian is qualified to serve under this chapter as the ward's successor guardian.

(c) Authorizes the guardianship program or governmental entity serving as the ward's guardian, if the court finds the individual is not disqualified, to file an application to appoint the individual as the ward's successor guardian. Requires the service of notice on an application filed to be made as directed by the court.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.