Senate Research Center   H.B. 3337
76R1986 KLA-D   By: Naishtat (Wentworth)
         Jurisprudence
         5/6/1999
         Engrossed

DIGEST

In 1997, the 75th Legislature enacted legislation that reformulated "missing persons" provisions as "receivership positions," and transferred these provisions from the Probate Code to other codes. The Probate Code still contains references to missing persons. H.B. 3337 would delete references to missing persons and provided that a guardianship for a missing person may be converted to a receivership under applicable codes.

PURPOSE

As proposed, H.B. 3337 deletes references to missing persons and provides that a guardianship for a missing person may be converted to a receivership under applicable codes.

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 Section 3(p), Probate Code, to redefine "incapacitated" or "incapacitated person." Makes conforming changes.

SECTION 2. Amends Section 601, Probate Code, to delete the definition of "missing person." Makes a conforming change.

SECTION 3. Amends Section 633(c), Probate Code, by deleting Subdivision (5) regarding an attorney ad litem or guardian ad litem appointed to represent the interests of a missing person.

SECTION 4. Amends Section 646(a), Probate Code, to make a conforming change.

SECTION 5. Amends Section 684(c), Probate Code, to make a conforming change.

SECTION 6. Amends Sections 685(a) and (c), Probate Code, to make conforming changes.

SECTION 7. Amends Section 686(a), Probate Code, to make conforming changes.

SECTION 8. Amends Section 687(a), Probate Code, to make a conforming change.

SECTION 9. Amends Section 694(b), Probate Code, to delete text regarding a missing person. Makes conforming changes.

SECTION 10. Repealers: Section 610(d), Probate Code (relating to the appointment of a guardian for the estate of a missing person); and Section 694(f), Probate Code (relating to the guardian of a missing person).

SECTION 11. Effective date: September 1, 1999. Provides that a guardianship for a missing person created under Chapter XIII, Probate Code, before September 1, 1999, is abolished on the effective date of this Act. Authorizes a court, with jurisdiction to appoint a receiver for a missing person to convert a guardianship for a missing person abolished under this Act to receivership under certain sections, on its own motion or on the motion of a person interested in the estate of the missing person.

SECTION 12. Emergency clause.