

BILL ANALYSIS

Senate Research Center
76R1789 BDH-D

H.B. 3338
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Jurisprudence
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Engrossed

DIGEST

Currently, a parent is allowed to exempt a potential child's guardian from posting a bond, if it is so stated in the will. However, no provisions exist for this to be accomplished through a written declaration. Since a parent can designate a guardian through either a will or a written declaration, a bond waiver should also be authorized through both documents. H.B. 3338 creates a waiver of the bond requirement for a guardian appointed in a written document in the event of a parent's death.

PURPOSE

As proposed, H.B. 3338 creates a waiver of the bond requirement for a guardian appointed in the event of a parent's death.

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 702(c), Texas Probate Code, to provide that when a written declaration that is made by a surviving parent and directs a guardian to serve without a bond, the court will appoint the guardian without a bond. Makes conforming changes.

SECTION 2. Amends Section 677A(e), Texas Probate Code, to add text to an official declaration of appointment of a child's guardian, to include specific language directing a guardian to serve with or without a bond.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.