

BILL ANALYSIS

Senate Research Center
76R1953 KLA-D

H.B. 919
By: Naishtat (Ellis)
Jurisprudence
5/4/1999
Engrossed

DIGEST

Currently, a court-appointed attorney in any guardianship proceeding must complete a four-hour course of study in guardianship law and procedure to be eligible for court appointment, and newly certified attorneys are required to be recertified every two years. H.B. 919 would set forth certain requirements for an attorney who represents a ward, proposed ward, guardian, or other interested person in certain guardianship proceedings.

PURPOSE

As proposed, H.B. 919 sets forth certain requirements for an attorney who represents a ward, proposed ward, guardian, or other interested person in certain guardianship proceedings.

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 646, Texas Probate Code, to require a person to have the certification required by Section 647A of this code to be eligible for appointment as an attorney ad litem, rather than be certified by the State Bar of Texas or certain persons. Makes conforming changes.

SECTION 2. Amends Part 2E, Chapter XIII, Texas Probate Code, by adding Section 647A, as follows:

Sec. 647A. CERTIFICATION REQUIREMENT FOR CERTAIN COURT-APPOINTED ATTORNEYS. Requires a court appointed attorney in any guardianship proceeding to be certified by the State Bar of Texas (state bar) or a person or other entity designated by the state bar as having successfully completed a course of study in guardianship law and procedure sponsored by the state bar or its designee. Requires the state bar to require three hours of credit, for certification under this section. Provides that a certificate issued under this section expires on the second anniversary of the date the certificate is issued, except as provided by Subsection (e) of this section. Requires an attorney whose certificate has expired to obtain a new certificate, to be eligible to be appointed by a court to represent a person at a guardianship proceeding. Provides that a new certificate obtained by a person who previously has been issued a certificate under this section expires on the fourth anniversary of the date the new certificate is issued if the person has been certified each of the four years immediately preceding the date the new certificate is issued.

SECTION 3. Provides that this Act applies to guardianship proceedings for which a court has appointed an attorney to represent the interests of a ward or other person on or after the effective date of this Act or before the effective date of this Act if the proceeding is pending on the effective date of this Act.

SECTION 4. Effective date: September 1, 1999.

SECTION 5. Emergency clause.