

BILL ANALYSIS

Senate Research Center
77R7345 MTB-D

S.B. 869
By: Lindsay
Jurisprudence
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As Filed

DIGEST AND PURPOSE

Under current Texas law, guardians may be appointed for incapacitated persons or persons who need assistance in making decisions concerning their own welfare or financial affairs. Although a proposed ward is found to be in need of a guardian by the court investigators at the time a guardianship referral is made, the actual guardianship can take several months to establish, placing some wards in undue and unnecessary risk. As proposed, S.B. 869 amends the Texas Probate Code to require service by the sheriff or other officer on the spouse of a proposed ward to be made only if the whereabouts of the spouse are known or can be reasonably ascertained.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 633(c), Texas Probate Code, to require the sheriff or other officer to personally serve citation to appear and answer the application for guardianship on a proposed ward's spouse if the whereabouts of the spouse are known or can be reasonably ascertained.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.