

BILL ANALYSIS

Senate Research Center
79R1479 MTB-F

S.B. 346
By: Wentworth
Jurisprudence
2/17/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Last session, the Texas Probate Code, Section 729, was amended to require a guardian to file with the court clerk an inventory of the guardianship estate within 30 days of qualifying and a guardian. Currently, Texas Probate Code, Section 761, provides that a guardian may be removed if the guardian fails to file an inventory within 90 days after qualification.

As proposed, S.B. 346 amends Section 761 of the Texas Probate Code to conform to the changes made last session, so that a guardian may be removed if the guardian fails to file an inventory of the guardianship estate within 30 days after qualification.

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 761(a), Texas Probate Code, to authorize the court, on its own motion or on motion of any interested person, including the ward, and without notice, to remove any guardian, appointed under this chapter, who fails to return within 30, rather than 90, days after qualification, unless the time is extended by order of the court, an inventory of the property of the guardianship estate and list of claims that have come to the guardian's knowledge.

SECTION 2. Effective date: upon passage or September 1, 2005.