

BILL ANALYSIS

Senate Research Center
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S.B. 1236
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, an emergency order from Adult Protective Services (APS) expires after 10 days, with an allowance for two 30-day extensions effective from the date of the original order. This means that an emergency order can be in effect for 60 days from the date the order is signed. However, when the person who is the subject of the order has been referred to the Department of Aging and Disability Services (DADS), DADS has up to 70 days from that original order to file for guardianship for the person. S.B. 1236 fixes the 10-day gap by allowing a judge to grant up to two 30-day extensions of the order after the order expires, instead of the date it went into effect, to allow the order to be effective for 70 total days.

As proposed, S.B. 1236 amends current law relating to the extension of an emergency order for protective services for certain persons who are elderly or have disabilities.

[**Note:** While the statutory reference in this bill is to the Department of Protective and Regulatory Services (DPRS), the following amendments affect the Department of Family and Protective Services, as the successor agency to DPRS.]

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 48.208(e-2), Human Resources Code, as follows:

(e-2) Authorizes the court, after notice and a hearing, to extend an emergency order issued under this section, other than an emergency order that terminated as provided under Subsection (e-1) (relating to the provision that an order that was rendered based on a petition immediately terminates, as per certain provisions), for a period of not more than 30 days after the date the original emergency order for protective services would have expired under Subsection (e) (relating to the expiration time of an emergency order), rather than for a period of not more than 30 days after the date the original emergency order for protective services was rendered. Authorizes the court, after notice and a hearing and for good cause shown, to grant a second extension of an emergency order of not more than an additional 30 days. Prohibits the court from granting more than two extensions of the original emergency order. Provides that an extension order that ends on a Saturday, Sunday, or legal holiday is automatically extended to 4 p.m. on the first succeeding business day. Authorizes the court to modify or terminate the emergency order on petition of the Department of Protective and Regulatory Services, the incapacitated person, or any person interested in the person's welfare.

SECTION 2. Effective date: upon passage, or September 1, 2013.