

BILL ANALYSIS

Senate Research Center
85R7451 GCB-F

H.B. 1787
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Health & Human Services
5/11/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As part of its ongoing review of Texas law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas (a.k.a. the REPTL Section) has proposed H.B. 1787, which provides updates to the law regarding the execution of a declaration for mental health treatment.

H.B. 1787 provides an additional method for execution of a written Declaration for Mental Health Treatment by permitting it to be signed in front of a notary public in lieu of two witnesses. Changes to reflect this optional method have been added to the statutory form.

H.B. 1787 amends current law relating to the execution of a declaration for mental health treatment.

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 the heading to Section 137.003, Civil Practice and Remedies Code, to read as follows:

Sec. 137.003. EXECUTION AND WITNESSES; EXECUTION AND ACKNOWLEDGMENT BEFORE NOTARY PUBLIC.

SECTION 2. Amends Section 137.003(a), Civil Practice and Remedies Code, as follows:

(a) Requires that a declaration for mental health treatment be:

(1) creates this subdivision from existing text and makes a nonsubstantive change;
or

(2) signed by the principal and acknowledged before a notary public.

SECTION 3. Amends Section 137.011, Civil Practice and Remedies Code, to require that the declaration for mental health treatment be substantially in a certain form. Sets forth the required form.

SECTION 4. Makes application of Sections 137.003 and 137.011, Civil Practice and Remedies Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2017.