

By: Metcalf

H.B. No. 1296

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain notices in guardianship proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1023.004, Estates Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) If an application is filed by a person other than the guardian ~~[or if a court made a motion to transfer a guardianship]~~, the guardian shall be cited by personal service to appear and show cause why the guardianship should not be transferred.

(c) If a court made a motion to transfer a guardianship, the guardian shall be given notice by certified mail to appear and show cause why the guardianship should not be transferred.

SECTION 2. Section 1203.052(b), Estates Code, is amended to read as follows:

(b) In addition to the authority granted to the court under Subsection (a), the court may, on the complaint of the guardianship certification program of the Judicial Branch Certification Commission, remove a guardian who would be ineligible for appointment under Subchapter H, Chapter 1104, because of the guardian's failure to maintain the certification required under Subchapter F, Chapter 1104. The guardian shall be given notice, by certified mail, return receipt requested, [cited] to appear and

1 contest the request for removal under this subsection at a time and
2 place set in the notice [~~in the manner provided by Subsection (a)~~].

3 SECTION 3. Sections 1023.004 and 1203.052(b), Estates Code,
4 as amended by this Act, apply to a guardianship proceeding
5 commenced on or after the effective date of this Act.

6 SECTION 4. This Act takes effect September 1, 2021.