

By: Metcalf

H.B. No. 1296

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of certain notices in guardianship
3 proceedings.

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

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

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

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

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

17 (b) In addition to the authority granted to the court under
18 Subsection (a), the court may, on the complaint of the guardianship
19 certification program of the Judicial Branch Certification
20 Commission, remove a guardian who would be ineligible for
21 appointment under Subchapter H, Chapter 1104, because of the
22 guardian's failure to maintain the certification required under
23 Subchapter F, Chapter 1104. The guardian shall be given notice, by
24 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.