

1-1 By: Metcalf (Senate Sponsor - Creighton) H.B. No. 1296
 1-2 (In the Senate - Received from the House April 12, 2021;
 1-3 April 19, 2021, read first time and referred to Committee on
 1-4 Jurisprudence; May 14, 2021, reported favorably by the following
 1-5 vote: Yeas 4, Nays 0; May 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hinojosa	X			
1-9 Creighton			X	
1-10 Hughes	X			
1-11 Johnson	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to the provision of certain notices in guardianship
 1-16 proceedings.

1-17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-18 SECTION 1. Section 1023.004, Estates Code, is amended by
 1-19 amending Subsection (b) and adding Subsection (c) to read as
 1-20 follows:

1-21 (b) If an application is filed by a person other than the
 1-22 guardian [~~or if a court made a motion to transfer a guardianship~~],
 1-23 the guardian shall be cited by personal service to appear and show
 1-24 cause why the guardianship should not be transferred.

1-25 (c) If a court made a motion to transfer a guardianship, the
 1-26 guardian shall be given notice by certified mail to appear and show
 1-27 cause why the guardianship should not be transferred.

1-28 SECTION 2. Section 1203.052(b), Estates Code, is amended to
 1-29 read as follows:

1-30 (b) In addition to the authority granted to the court under
 1-31 Subsection (a), the court may, on the complaint of the guardianship
 1-32 certification program of the Judicial Branch Certification
 1-33 Commission, remove a guardian who would be ineligible for
 1-34 appointment under Subchapter H, Chapter 1104, because of the
 1-35 guardian's failure to maintain the certification required under
 1-36 Subchapter F, Chapter 1104. The guardian shall be given notice, by
 1-37 certified mail, return receipt requested, [cited] to appear and
 1-38 contest the request for removal under this subsection at a time and
 1-39 place set in the notice [in the manner provided by Subsection (a)].

1-40 SECTION 3. Sections 1023.004 and 1203.052(b), Estates Code,
 1-41 as amended by this Act, apply to a guardianship proceeding
 1-42 commenced on or after the effective date of this Act.

1-43 SECTION 4. This Act takes effect September 1, 2021.

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