

By: Smithee

H.B. No. 3896

A BILL TO BE ENTITLED

AN ACT

relating to access to certain financial records by the guardianship abuse, fraud, and exploitation deterrence program.

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

SECTION 1. Section 72.121, Government Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a), (1-b), and (3) to read as follows:

(1) "Estate" has the meaning assigned by Section 1002.010, Estates Code.

(1-a) "Financial institution" has the meaning assigned by Section 201.101, Finance Code.

(1-b) "Guardianship proceeding" has the meaning assigned by Section 1002.015, Estates Code.

(3) "Ward" has the meaning assigned by Section 1002.030, Estates Code.

SECTION 2. Subchapter G, Chapter 72, Government Code, is amended by adding Section 72.1221 to read as follows:

Sec. 72.1221. PROGRAM ACCESS TO FINANCIAL RECORDS. (a) To the extent allowed and in the manner required by federal law, a financial institution or other person, as applicable, shall on request provide the program with access to financial institution records, accounting records, and other financial records concerning a ward or the ward's estate, including receipts, records of deposits and withdrawals, invoices, bills, and any other records

1 of transactions involving the money or assets of a ward or the
2 ward's estate, for purposes of conducting reviews and audits under
3 the program.

4 (b) The program may request the court in which the
5 guardianship is pending to order a financial institution or other
6 person who possesses the records described by Subsection (a) to
7 provide the records to the program.

8 (c) After notice and a hearing, the court may issue an order
9 requiring the financial institution or other person to provide the
10 records to the program under the conditions the court prescribes.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.