

By: Swanson

H.B. No. 266

A BILL TO BE ENTITLED

AN ACT

relating to the required filing and use of an affidavit containing the contact information of certain persons in a guardianship proceeding.

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

SECTION 1. Subchapter A, Chapter 1101, Estates Code, is amended by adding Section 1101.003 to read as follows:

Sec. 1101.003. AFFIDAVIT CONTAINING CONTACT INFORMATION OF CERTAIN PERSONS. (a) Within the time prescribed by the court, a person who files an application under Section 1101.001 shall file an affidavit with the court that states the name, address, telephone number, e-mail address, and other contact information if known by the applicant for each person entitled to notice under Section 1051.104(a).

(b) An affidavit filed under this section is privileged and confidential. The affidavit may not be released or otherwise disclosed to the public.

(c) On qualification of a guardian, the court shall provide a copy of the affidavit filed under this section to the guardian if the guardian is not the person who filed the affidavit.

SECTION 2. Section 1151.056, Estates Code, is amended by adding Subsection (h) to read as follows:

(h) Unless the guardian knows the information is not correct, a guardian of a ward shall rely on the contact information

1 contained in the affidavit required by Section 1101.003 to provide
2 notice about the ward to a relative of the ward under this section.

3 SECTION 3. The changes in law made by this Act apply only to
4 an application for the appointment of a guardian filed on or after
5 the effective date of this Act. An application for the appointment
6 of a guardian filed before the effective date of this Act is
7 governed by the law in effect on the date the application was filed,
8 and the former law is continued in effect for that purpose.

9 SECTION 4. This Act takes effect September 1, 2023.