

BILL ANALYSIS

H.B. 1709
By: Casteel
Judicial Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When a guardianship of a person is terminated, the guardian must deliver the property of the ward to the person entitled to the property. Current law requires the guardian to file a sworn affidavit with the court stating the reason the guardianship was terminated and to whom the property of the ward in the guardian's possession was delivered. However, current law does not impose a time limit. H.B. 1709 imposes a 60 day deadline for the filing of this affidavit.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1709 amends the Probate Code to require that if there is no property of the ward in the possession or control of the guardian of the person, the guardian shall, not later than the 60th day after the date on which the guardianship is required to be settled, file with the court a sworn affidavit that states the reason the guardianship was terminated and to whom the property of the ward in the guardian's possession was delivered.

EFFECTIVE DATE

September 1, 2003.