

AN ACT

relating to the settlement of the guardianship of the estate of a ward.

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

SECTION 1. Section 747(b), Texas Probate Code, is amended to read as follows:

(b) 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. The judge may issue orders as necessary for the best interests of the ward or of the estate of a deceased ward. This section does not discharge a guardian of the person from liability for breach of the guardian's fiduciary duties.

SECTION 2. The changes in law made by this Act to Section 747(b), Texas Probate Code, apply only to an order or event requiring the settlement of a guardianship of the estate of a ward under Section 745, Texas Probate Code, that is issued or occurs on or after the effective date of this Act. An order or event requiring the settlement of a guardianship of the estate of a ward that was issued or occurred before the effective date of this Act is governed by the law in effect on the date on which the order was

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1 issued or the event occurred, and the former law is continued in
2 effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2003.

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President of the Senate

Speaker of the House

I certify that H.B. No. 1709 was passed by the House on April 25, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1709 was passed by the Senate on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor