

By: Casteel

H.B. No. 1709

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the settlement of the guardianship of the estate of a
3 ward.

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

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

7 (b) If there is no property of the ward in the possession or
8 control of the guardian of the person, the guardian shall, not later
9 than the 60th day after the date on which the guardianship is
10 required to be settled, file with the court a sworn affidavit that
11 states the reason the guardianship was terminated and to whom the
12 property of the ward in the guardian's possession was delivered.
13 The judge may issue orders as necessary for the best interests of
14 the ward or of the estate of a deceased ward. This section does not
15 discharge a guardian of the person from liability for breach of the
16 guardian's fiduciary duties.

17 SECTION 2. The changes in law made by this Act to Section
18 747(b), Texas Probate Code, apply only to an order or event
19 requiring the settlement of a guardianship of the estate of a ward
20 under Section 745, Texas Probate Code, that is issued or occurs on
21 or after the effective date of this Act. An order or event
22 requiring the settlement of a guardianship of the estate of a ward
23 that was issued or occurred before the effective date of this Act is
24 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.