

1-1 By: Casteel (Senate Sponsor - Wentworth) H.B. No. 1709
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 19, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the settlement of the guardianship of the estate of a
1-9 ward.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 747(b), Texas Probate Code, is amended
1-12 to read as follows:

1-13 (b) If there is no property of the ward in the possession or
1-14 control of the guardian of the person, the guardian shall, not later
1-15 than the 60th day after the date on which the guardianship is
1-16 required to be settled, file with the court a sworn affidavit that
1-17 states the reason the guardianship was terminated and to whom the
1-18 property of the ward in the guardian's possession was delivered.
1-19 The judge may issue orders as necessary for the best interests of
1-20 the ward or of the estate of a deceased ward. This section does not
1-21 discharge a guardian of the person from liability for breach of the
1-22 guardian's fiduciary duties.

1-23 SECTION 2. The changes in law made by this Act to Section
1-24 747(b), Texas Probate Code, apply only to an order or event
1-25 requiring the settlement of a guardianship of the estate of a ward
1-26 under Section 745, Texas Probate Code, that is issued or occurs on
1-27 or after the effective date of this Act. An order or event
1-28 requiring the settlement of a guardianship of the estate of a ward
1-29 that was issued or occurred before the effective date of this Act is
1-30 governed by the law in effect on the date on which the order was
1-31 issued or the event occurred, and the former law is continued in
1-32 effect for that purpose.

1-33 SECTION 3. This Act takes effect September 1, 2003.

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