

AN ACT

relating to the immunity of guardians ad litem in certain guardianship proceedings from liability for certain damages.

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

SECTION 1. Subpart E, Part 2, Chapter XIII, Texas Probate Code, is amended by adding Section 645A to read as follows:

Sec. 645A. IMMUNITY. (a) A guardian ad litem appointed under Section 645, 683, or 694A of this code to represent the interests of an incapacitated person in a guardianship proceeding involving the creation, modification, or termination of a guardianship is not liable for civil damages arising from a recommendation made or an opinion given in the capacity of guardian ad litem.

(b) Subsection (a) of this section does not apply to a recommendation or opinion that is:

(1) wilfully wrongful;

(2) given with conscious indifference or reckless disregard to the safety of another;

(3) given in bad faith or with malice; or

(4) grossly negligent.

SECTION 2. This Act applies only to guardianship proceedings for which a court has appointed a guardian ad litem to represent the interests of an incapacitated person:

(1) on or after the effective date of this Act; or

1 (2) before the effective date of this Act if the
2 proceeding is pending on the effective date of this Act.

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

H.B. No. 1985

President of the Senate

Speaker of the House

I certify that H.B. No. 1985 was passed by the House on May 10, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1985 was passed by the Senate on May 23, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor