

By: Casteel

H.B. No. 1985

Substitute the following for H.B. No. 1985:

By: Hartnett

C.S.H.B. No. 1985

A BILL TO BE ENTITLED

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.