

1-1 By: Casteel (Senate Sponsor - Wentworth) H.B. No. 1985
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on
1-4 Jurisprudence; May 20, 2003, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 20, 2003, sent to printer.)

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

1-8 relating to the immunity of guardians ad litem in certain
1-9 guardianship proceedings from liability for certain damages.

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

1-11 SECTION 1. Subpart E, Part 2, Chapter XIII, Texas Probate
1-12 Code, is amended by adding Section 645A to read as follows:

1-13 Sec. 645A. IMMUNITY. (a) A guardian ad litem appointed
1-14 under Section 645, 683, or 694A of this code to represent the
1-15 interests of an incapacitated person in a guardianship proceeding
1-16 involving the creation, modification, or termination of a
1-17 guardianship is not liable for civil damages arising from a
1-18 recommendation made or an opinion given in the capacity of guardian
1-19 ad litem.

1-20 (b) Subsection (a) of this section does not apply to a
1-21 recommendation or opinion that is:

1-22 (1) wilfully wrongful;

1-23 (2) given with conscious indifference or reckless
1-24 disregard to the safety of another;

1-25 (3) given in bad faith or with malice; or

1-26 (4) grossly negligent.

1-27 SECTION 2. This Act applies only to guardianship
1-28 proceedings for which a court has appointed a guardian ad litem to
1-29 represent the interests of an incapacitated person:

1-30 (1) on or after the effective date of this Act; or

1-31 (2) before the effective date of this Act if the
1-32 proceeding is pending on the effective date of this Act.

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

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