

BILL ANALYSIS

H.B. 1792
By: Naishtat
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Last session, the Texas Probate Code, Section 729, was amended to require a guardian to file with the court clerk an inventory of the guardianship estate within 30 days of qualifying a guardian. Currently, Texas Probate Code, Section 761, provides that a guardian may be removed if the guardian fails to file an inventory within 90 days after qualification.

HB 1792 amends Section 761 of the Texas Probate Code to conform to the changes made last session, so that a guardian may be removed if the guardian fails to file an inventory of the guardianship estate within 30 days after qualification.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The bill amends Section 761(a), Texas Probate Code, to authorize the court, on its own motion or on motion of any interested person, including the ward, and without notice, to remove any guardian, appointed under this chapter, who fails to return within 30, rather than 90, days after qualification, unless the time is extended by order of the court, an inventory of the property of the guardianship estate and list of claims that have come to the guardian's knowledge

EFFECTIVE DATE

Immediately on receipt of required vote, otherwise September 1, 2005