

By: Naishtat

H.B. No. 1792

A BILL TO BE ENTITLED

AN ACT

relating to conforming the law concerning the removal of a guardian of a ward to amendments made by the 78th Legislature.

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

SECTION 1. Section 761(a), Texas Probate Code, is amended to read as follows:

(a) The court, on its own motion or on motion of any interested person, including the ward, and without notice, may remove any guardian, appointed under this chapter, who:

(1) neglects to qualify in the manner and time required by law;

(2) fails to return within 30 [~~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;

(3) having been required to give a new bond, fails to do so within the time prescribed;

(4) absents himself from the state for a period of three months at one time without permission of the court, or removes from the state;

(5) cannot be served with notices or other processes because of the fact that:

(A) the guardian's whereabouts are unknown;

(B) the guardian is eluding service; or

1 (C) the guardian is a nonresident of this state
2 who does not have a resident agent to accept service of process in
3 any guardianship proceeding or other matter relating to the
4 guardianship;

5 (6) has misapplied, embezzled, or removed from the
6 state, or is about to misapply, embezzle, or remove from the state,
7 all or any part of the property committed to the guardian's care; or

8 (7) has cruelly treated a ward, or has neglected to
9 educate or maintain the ward as liberally as the means of the ward
10 and the condition of the ward's estate permit.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2005.