

By: Hartnett

H.B. No. 3435

A BILL TO BE ENTITLED

AN ACT

relating to guardianships.

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

SECTION 1. Section 633(d), Texas Probate Code, is amended to read as follows:

(d) The applicant shall mail a copy of the application for guardianship and a notice containing the information required in the citation issued under Subsection (b) of this section by registered or certified mail, return receipt requested, or by any other form of mail that provides proof of delivery, to the following persons, if their whereabouts are known or can be reasonably ascertained:

(1) all adult children of a proposed ward;

(2) all adult siblings of a proposed ward if the applicant is not the proposed ward's spouse;

(3) The administrator of a nursing home facility in which the proposed ward resides;

(4) The operator of a residential facility in which the proposed ward resides;

(5) a person whom the applicant knows to hold a power of attorney signed by the proposed ward;

(6) a person designated to serve as guardian of the proposed ward by a written declaration under Section 679 of this code, if the applicant knows of the existence of the declaration;

1 (7) a person designated to serve as guardian of the
2 proposed ward in the probated will of the last surviving parent of
3 the ward;

4 (8) a person designated to serve as guardian of the
5 proposed ward by a written declaration of the proposed ward's last
6 surviving parent, if the declarant is deceased and the applicant
7 knows of the existence of the declaration; and

8 (9) each person named as next of kin in the application
9 for guardianship as required by Section 682(10) or (12) of this
10 code.

11 SECTION 2. Section 727, Texas Probate Code, is amended to
12 read as follows:

13 Sec. 727. APPOINTMENT OF APPRAISERS. After letters of
14 guardianship of the estate have been granted and on its own motion
15 or on motion [~~the application~~] of any interested person, [~~or if the~~
16 ~~court deems it necessary,~~] the court for good cause shown shall
17 appoint at least one but not more than three disinterested persons
18 who are citizens of the county in which letters were granted to
19 appraise the property of the ward. If the court appoints an
20 appraiser under this section and part of the estate is located in a
21 county other than the county in which the letters were granted, the
22 court may appoint at least one but not more than three disinterested
23 persons who are citizens of the county in which the part of the
24 estate is located to appraise the property of the estate located in
25 the county if the court considers it necessary to appoint an
26 appraiser.

27 SECTION 3. (a) The changes in law made by this act to

1 Section 727, Texas Probate Code, apply only to a guardianship
2 proceeding commenced on or after the effective date of this Act.

3 (b) A guardianship proceeding commenced before the
4 effective date of this Act is governed by the law applicable to the
5 proceeding immediately before the effective date of this Act, and
6 that law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect September 1, 2005.