

Amend SB 1701 (committee printing) as follows:

(1) In amended Subsection (d), Section 161.101, Human Resources Code (page 1, line 16), strike "Section 695" and substitute "Section 695(c)".

(2) In added Subsection (f), Section 161.101, Human Resources Code (page 1, line 21), strike "agree to".

(3) Strike SECTION 2 of the bill (page 1, lines 24 through 34) and substitute:

SECTION 2. Section 695, Texas Probate Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The court may appoint the Department of Aging and Disability Services as a successor guardian of the person or estate, or both, of a ward who has been adjudicated as totally incapacitated if:

(1) there is no less restrictive alternative to continuation of the guardianship;

(2) there is no family member or other suitable person, including a guardianship program, willing and able to serve as the ward's successor guardian;

(3) the ward is located more than 100 miles from the court that created the guardianship;

(4) the ward has private assets or access to government benefits to pay for the needs of the ward;

(5) the department is served with citation and a hearing is held regarding the department's appointment as proposed successor guardian; and

(6) the appointment of the department does not violate a limitation imposed by Subsection (d) of this section.

(d) The number of appointments under Subsection (c) of this section is subject to an annual limit of 55. The appointments must be distributed equally or as near as equally as possible among the health and human services regions of this state as established under Section 531.024, Government Code. The Department of Aging and Disability Services at its discretion may establish a different distribution scheme to promote the efficient use and administration of resources.

(e) If the Department of Aging and Disability Services is

named as a proposed successor guardian in an application in which the department is not the applicant, citation must be issued and served on the department as provided by Section 633(c)(5) of this code.