

BILL ANALYSIS

S.B. 506
By: Uresti
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 79th Legislature created the Guardianship Certification Board (board) to establish a certification process for individuals, other than volunteers, who act as private professional guardians or provide guardianship services to a ward of a guardianship program or to wards of the Department of Aging and Disability Services. The board determines the qualifications for obtaining certification, issues certificates to those who meet the requirements, and adopts minimum standards for the provision of guardianship services or other similar but less restrictive types of assistance or services. Currently, the board is not authorized to create provisional certifications for individuals who are working toward full certification as professional guardians.

As proposed, S.B. 506 authorizes the board to establish qualifications and issue provisional certificates to individuals that do not meet the qualifications for guardianship certification, and authorizes the supreme court to adopt rules and procedures for issuing a provisional certificate.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 2 of this bill.

ANALYSIS

SECTION 1. Amends Sections 111.016(b) and (d), Government Code, as follows:

(b) Requires the Guardian Certification Board (board), in addition to other specified duties, to establish the qualifications for obtaining provisional certification under Section 111.0421 and to issue certificates to individuals who meet the provisional certification requirements of Section 111.0421.

(d) Requires the board to maintain a complete record of each certification, including a provisional certificate, issued, renewed, suspended, or revoked under this chapter, rather than under Section 111.042.

SECTION 2. Amends Subchapter C, Chapter 111, Government Code, by adding Section 111.0421, as follows:

Sec. 111.0421. PROVISIONAL CERTIFICATE. (a) Authorizes the board to issue a provisional certificate to an individual who does not meet the qualifications for obtaining certification under Section 111.042 and who possesses the qualifications for provisional certification required by rules adopted by the supreme court, notwithstanding Section 111.042(a).

(b) Authorizes an individual who holds a provisional certificate to provide guardianship services in this state only under the supervision of an individual certified under Section 111.042.

(c) Authorizes the supreme court to adopt rules and procedures for issuing a provisional certificate under this section that, at a minimum, ensures compliance with the standards adopted under Section 111.041 and provide that the board establishes qualifications for obtaining and maintaining the certification.

SECTION 3. Amends Section 697B, Texas Probate Code, by adding Subsection (e), to define "certified."

EFFECTIVE DATE

Immediately on receipt of required vote; otherwise September 1, 2007.