

By: Naishtat

H.B. No. 1484

A BILL TO BE ENTITLED

AN ACT

relating to provisional certification for certain guardians.

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

SECTION 1. Sections 111.016(b) and (d), Government Code, are amended to read as follows:

(b) The board shall:

(1) administer and enforce this chapter;

(2) develop and recommend proposed rules and procedures to the supreme court as necessary to implement this chapter;

(3) set the amount of each fee prescribed by Section 111.042, subject to the approval of the supreme court;

(4) establish the qualifications for obtaining:

(A) certification or recertification under Section 111.042; and

(B) provisional certification under Section 111.0421;

(5) issue certificates to:

(A) individuals who meet the certification requirements of Section 111.042; and

(B) individuals who meet the provisional certification requirements of Section 111.0421; and

(6) perform any other duty required by this chapter or other law.

(d) The board shall maintain:

(1) a complete record of each board proceeding; and

(2) a complete record of each certification, including a provisional certificate, issued, renewed, suspended, or revoked under this chapter [~~Section 111.042~~].

SECTION 2. Subchapter C, Chapter 111, Government Code, is amended by adding Section 111.0421 to read as follows:

Sec. 111.0421. PROVISIONAL CERTIFICATE. (a)

Notwithstanding Section 111.042(a), the board may issue a provisional certificate to an individual who:

(1) does not meet the qualifications for obtaining certification under Section 111.042; and

(2) possesses the qualifications for provisional certification required by rules adopted by the supreme court.

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

(c) The supreme court may adopt rules and procedures for issuing a provisional certificate under this section that, at a minimum, must:

(1) ensure compliance with the standards adopted under Section 111.041; and

(2) provide that the board establishes qualifications for obtaining and maintaining the certification.

SECTION 3. Section 697B, Texas Probate Code, is amended by adding Subsection (e) to read as follows:

(e) In this section, "certified" includes holding a

1 provisional certificate under Section 111.0421, Government Code.

2       SECTION 4. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2007.