

BILL ANALYSIS

Senate Research Center

S.B. 1055
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Jurisprudence
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law contains certain reporting requirements for private professional guardians, public guardianship programs, and the Department of Aging and Disability Services. These reports are submitted to the Guardianship Certification Board and county clerks. Currently, the reporting information required and annual due dates vary for these reports depending on who is submitting the report and the entity to which the report is due; some reporting requirements are thus duplicated.

S.B. 1055 amends current law relating to reporting and application requirements regarding certain public and private guardians.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 111.044, Government Code, as follows:

Sec. 111.044. ANNUAL DISCLOSURE. (a) Creates this subsection from existing text. Requires each guardianship program, not later than January 31 of each year, to provide to the Guardianship Certification Board (GCB) a report containing for the preceding year the number of wards served by the guardianship program reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the guardianship program; the name, business address, and business telephone number of each individual employed by or volunteering or contracting with the guardianship program to provide guardianship services to a ward or proposed ward of the program; the name of each county in which an individual described by Subdivision (2) (relating to the name, business address, and business telephone number of each individual employed by or volunteering or contracting with the guardianship program to provide guardianship services to a ward or proposed ward of the program) provides or is authorized to provide guardianship services; and the amount, rather than the total amount, of money received from any other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources. Deletes existing text requiring that each guardianship program and private professional guardian, not later than January 31 of each year, provide to GCB a report containing for the preceding year the total number of wards served by the guardianship program or private professional guardian, as applicable. Makes nonsubstantive changes.

(b) Requires each private professional guardian, not later than January 31 of each year, to provide to GCB a report containing for the preceding year the number of wards served by the private professional guardian reported by county in which the application to create a guardianship for the ward is filed and the total number of wards served by the private professional guardian; the name, business address, and business telephone number of each individual who provides guardianship services to a ward of the private professional guardian on behalf of the private professional guardian; the total amount of money received from this state for the provision of guardianship services; and the amount of money received from any

other public source, including a county or the federal government, for the provision of guardianship services, reported by source, and the total amount of money received from those public sources.

(c) Requires a private professional guardian to submit with the report required under Subsection (b) a copy of the guardian's application for a certificate of registration required by Section 697(a), Texas Probate Code.

SECTION 2. Amends Sections 697(a) and (e), Texas Probate Code, as follows:

(a) Requires a private professional guardian to apply annually to the clerk of the county having venue over the proceeding for the appointment of a guardian for a certificate of registration. Requires that the application include a sworn statement containing the following information concerning a private professional guardian or each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian the certification number or provisional certification number issued by GCB to the private professional guardian or person. Makes a nonsubstantive change.

(e) Requires the clerk, not later than January 31, rather than February 1, of each year, to submit to GCB, rather than GCB and the Health and Human Services Commission, the names and business addresses of private professional guardians who have satisfied the registration requirements under this section during the preceding year.

SECTION 3. Amends Section 697A, Texas Probate Code, as follows:

Sec. 697A. LIST OF CERTAIN PUBLIC GUARDIANS MAINTAINED BY COUNTY CLERKS OR GUARDIANSHIP CERTIFICATION BOARD. (a) Requires each guardianship program operating in a county, not later than January 31 of each year, to submit to the county clerk a copy of the report submitted to GCB under Section 111.044, Government Code. Deletes existing text requiring each guardianship program to submit annually to the county clerk a statement containing the name, address, and telephone number of each individual employed by or volunteering or contracting with the program to provide guardianship services to a ward or proposed ward of the program.

(b) Requires the Department of Aging and Disability Services, not later than January 31, rather than February 1, of each year, to submit to GCB a statement containing the name of each county, rather than the county or counties, in which each employee named in Subdivision (1) of this subsection is providing or is authorized to provide those services. Deletes existing Subsection (c) requiring the county clerk, not later than February 1 of each year, to submit to GCB the information received under Subsection (a) of this section during the preceding year.

SECTION 4. Effective date: September 1, 2009.