

By: Naishtat

H.B. No. 2049

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reporting and application requirements regarding
3 certain public and private guardians.

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

5 SECTION 1. Section 111.044, Government Code, is amended to
6 read as follows:

7 Sec. 111.044. ANNUAL DISCLOSURE. (a) Not later than January
8 31 of each year, each guardianship program [~~and private~~
9 ~~professional guardian~~] shall provide to the board a report
10 containing for the preceding year:

11 (1) the number of wards served by the guardianship
12 program reported by county in which the application to create a
13 guardianship for the ward is filed and the total number of wards
14 served by the guardianship program [~~or private professional~~
15 ~~guardian, as applicable~~];

16 (2) the name, business address, and business telephone
17 number of each individual employed by or volunteering or
18 contracting with the guardianship program to provide guardianship
19 services to a ward or proposed ward of the program;

20 (3) the name of each county in which an individual
21 described by Subdivision (2) provides or is authorized to provide
22 guardianship services;

23 (4) the total amount of money received from this state
24 for the provision of guardianship services; and

1 (5) [~~(3)~~] the [~~total~~] amount of money received from
2 any other public source, including a county or the federal
3 government, for the provision of guardianship services, reported by
4 source, and the total amount of money received from those public
5 sources.

6 (b) Not later than January 31 of each year, each private
7 professional guardian shall provide to the board a report
8 containing for the preceding year:

9 (1) the number of wards served by the private
10 professional guardian reported by county in which the application
11 to create a guardianship for the ward is filed and the total number
12 of wards served by the private professional guardian;

13 (2) the name, business address, and business telephone
14 number of each individual who provides guardianship services to a
15 ward of the private professional guardian on behalf of the private
16 professional guardian;

17 (3) the total amount of money received from this state
18 for the provision of guardianship services; and

19 (4) the amount of money received from any other public
20 source, including a county or the federal government, for the
21 provision of guardianship services, reported by source, and the
22 total amount of money received from those public sources.

23 (c) A private professional guardian shall submit with the
24 report required under Subsection (b) a copy of the guardian's
25 application for a certificate of registration required by Section
26 697(a), Texas Probate Code.

27 SECTION 2. Sections 697(a) and (e), Texas Probate Code, are

1 amended to read as follows:

2 (a) A private professional guardian must apply annually to
3 the clerk of the county having venue over the proceeding for the
4 appointment of a guardian for a certificate of registration. The
5 application must include a sworn statement containing the following
6 information concerning a private professional guardian or each
7 person who represents or plans to represent the interests of a ward
8 as a guardian on behalf of the private professional guardian:

9 (1) educational background and professional
10 experience;

11 (2) three or more professional references;

12 (3) the names of all of the wards the private
13 professional guardian or person is or will be serving as a guardian;

14 (4) the aggregate fair market value of the property of
15 all wards that is being or will be managed by the private
16 professional guardian or person;

17 (5) place of residence, business address, and business
18 telephone number; ~~and~~

19 (6) whether the private professional guardian or
20 person has ever been removed as a guardian by the court or resigned
21 as a guardian in a particular case, and, if so, a description of the
22 circumstances causing the removal or resignation, and the style of
23 the suit, the docket number, and the court having jurisdiction over
24 the proceeding; and

25 (7) the certification number or provisional
26 certification number issued by the Guardianship Certification
27 Board to the private professional guardian or person.

1 (e) Not later than January 31 [~~February 1~~] of each year, the
2 clerk shall submit to the Guardianship Certification Board [~~and the~~
3 ~~Health and Human Services Commission~~] the names and business
4 addresses of private professional guardians who have satisfied the
5 registration requirements under this section during the preceding
6 year.

7 SECTION 3. Section 697A, Texas Probate Code, is amended to
8 read as follows:

9 Sec. 697A. LIST OF CERTAIN PUBLIC GUARDIANS MAINTAINED BY
10 COUNTY CLERKS OR GUARDIANSHIP CERTIFICATION BOARD. (a) Not later
11 than January 31 of each year, each [~~Each~~] guardianship program
12 operating in a county shall submit [~~annually~~] to the county clerk a
13 copy of the report submitted to the Guardianship Certification
14 Board under Section 111.044, Government Code [~~statement containing~~
15 ~~the name, address, and telephone number of each individual employed~~
16 ~~by or volunteering or contracting with the program to provide~~
17 ~~guardianship services to a ward or proposed ward of the program~~].

18 (b) Not later than January 31 [~~February 1~~] of each year, the
19 Department of Aging and Disability Services shall submit to the
20 Guardianship Certification Board a statement containing:

21 (1) the name, address, and telephone number of each
22 department employee who is or will be providing guardianship
23 services to a ward or proposed ward on behalf of the department; and

24 (2) the name of each [~~the~~] county [~~or counties~~] in
25 which each employee named in Subdivision (1) of this subsection is
26 providing or is authorized to provide those services.

27 [~~(c) Not later than February 1 of each year, the county~~

1 ~~clerk shall submit to the Guardianship Certification Board the~~
2 ~~information received under Subsection (a) of this section during~~
3 ~~the preceding year.]~~

4 SECTION 4. This Act takes effect September 1, 2009.