

By: Rose

H.B. No. 4154

A BILL TO BE ENTITLED

AN ACT

relating to creation of a volunteer advocate program for certain elderly persons.

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

SECTION 1. Section 48.208(g), Human Resources Code, is amended to read as follows:

(g) The court shall appoint an attorney ad litem to represent the elderly or disabled person in any proceeding brought by the department under this section. A reasonable fee, as determined by the court, shall be paid to the attorney ad litem from the general fund of the county. If the person is elderly, the court may also appoint an individual to serve as a volunteer advocate for the person in accordance with the program established under Section 161.084.

SECTION 2. Subchapter D, Chapter 161, Human Resources Code, is amended by adding Section 161.084 to read as follows:

Sec. 161.084. VOLUNTEER ADVOCATE PROGRAM FOR THE ELDERLY.

(a) In this section, "elderly person" means a person 65 years of age or older.

(b) The department may establish a volunteer advocate program under which trained individuals serve as volunteer advocates for elderly persons subject to:

(1) guardianship proceedings; or

(2) proceedings under Section 48.208 in which

1 emergency orders are sought authorizing the provision of protective
2 services.

3 (c) The department may enter into agreements with
4 appropriate nonprofit organizations for the provision of services
5 under the program. A nonprofit organization is eligible to provide
6 services under the program if the organization:

7 (1) has significant experience in providing services
8 to the elderly;

9 (2) has the capacity to provide training and
10 supervision for individuals interested in serving as volunteer
11 advocates for the elderly; and

12 (3) meets any other criteria prescribed by the
13 department.

14 (d) In developing the program under this section, the
15 department shall consider the structure and operation of existing
16 programs that provide volunteer advocates for abused or neglected
17 children and incorporate any appropriate aspects of those programs.

18 (e) The department shall seek and may accept gifts, grants,
19 or donations for the program from any public or private source.

20 (f) The executive commissioner may adopt rules necessary to
21 implement the program.

22 SECTION 3. Subpart E, Part 2, Chapter XIII, Texas Probate
23 Code, is amended by adding Section 645B to read as follows:

24 Sec. 645B. APPOINTMENT OF VOLUNTEER ADVOCATE. In a
25 proceeding under this chapter for the appointment of a guardian for
26 a proposed ward who is 65 years of age or older, the court may
27 appoint an individual to serve as a volunteer advocate for the

1 proposed ward in accordance with the program established under
2 Section 161.084, Human Resources Code.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2009.